

THE
LIFE AND TIMES
OF
HENRY CLAY.



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OF ALEXANDER HAMILTON," "LIFE AND TIMES OF THOMAS JEFFERSON,"
"HISTORY OF THE FOUR GEORGES," ETC.



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H. Clay

P R E F A C E.

A GREAT orator lives in his speeches; an eminent statesman, in the wise and patriotic measures which he may have devised and advocated. That record of the career of these individuals is most complete, which combines together such a proportion of both these kinds of achievement, as will reproduce most successfully the peculiar *individuality* of the man.

The present writer has been guided by this principle in the preparation of the following work. His endeavor has been to comprise within a compass more portable and convenient than that of any other work now existing on the subject, a narrative of the most interesting and important events of Henry Clay's life; at the same time also demonstrating to the reader what manner of man he was, and how noble the actions were which he performed, by furnishing appropriate extracts from his orations, at those precise stages of the narrative to which they respectively be-

longed ; as well as by adding some of his most remarkable master-pieces, unabridged, in the concluding portion of the volume.

The following biography claims to be impartial in its statements. The writer, although he entertains a due appreciation of Mr. Clay's extraordinary merits, is not his idolater ; and, consequently, the reader will not find in these pages a repetition of those undiscerning and extravagant eulogies of their subject, which have characterized the productions of some of his biographers ; nor, on the other hand, any of those implacable and bitter invectives which have deformed the pages of others. Summary as the work comparatively is, and was intended to be, it was the effort of the writer, by a few bold and simple strokes of the historic pencil, to furnish a portraiture of the illustrious theme, which would perhaps prove as satisfactory to the popular reader, as a more extended, elaborate, and artificial representation might have been.

S. M. S.

CONTENTS.

CHAPTER I.

Birth of Henry Clay—His Family—He attends School—"Millboy of the Slashes"—Is placed in Denny's Store—His Early Habits—Obtains a Desk in the Office of the Clerk of the Virginia Court of Chancery—His Industry—Chancellor Wythe—His Studies—Prepares for the Bar—Is admitted—His Removal to Lexington, Kentucky—His Limited Resources—His Further Studies in Lexington—Admitted to the Bar in Fayette County—His First Speech in the Debating ClubPAGE 9

CHAPTER II.

Mr. Clay's Professional Success—Case of Mrs. Phelps—Of the Two Germans—Of Willis—The New Constitution of Kentucky—Mr. Clay's Opinions on the Abolition of Slavery—His Speeches on the Subject—Consequent Unpopularity—Elected to the General Assembly of Kentucky—Alien and Sedition Laws—He advocates the Removal of the State Capital—The Result—His Marriage and Family..... 18

CHAPTER III.

Mr. Clay's Defence of Aaron Burr—His Election to the United States Senate—Announces his System of "Internal Improvement"—His Subsequent Election to the Kentucky Legislature—His Duel with Mr. Humphrey Marshall—His Services in the Legislature—His Re-election to the U. S. Senate—His Speech on the Perdido Tract..... 30

CHAPTER IV.

Proposal to Recharter the United States Bank—Mr. Clay opposes it—Subsequent Change in His Opinions—Reasons for that Change—Mr. Clay elected to the House of Representatives—Is chosen Speaker—English and French Hostilities against the United States—Mr. Clay in Favor of War with England—Hostilities commenced—Events of the War—Mr. Clay appointed Commissioner to Ghent—Treaty of Peace—Mr. Clay's Return to Kentucky..... 42

CHAPTER V.

Establishment of a National Bank—Mr. Clay's Advocacy of it—Proposal to increase the Salary of Representatives—Mr. Clay's Vote on this Subject—The South American Republics—Mr. Clay's Proposition to sympathize with Them—His Eloquence on this Subject—Its Final Results—Resolutions censuring General Jackson—The Admission of Missouri to the Union—The Missouri Compromise—Mr. Clay's Retirement to Professional Life—His Ill-Health—Return to Congress..... 58

CHAPTER VI.

Recognition of the Freedom of Greece—The Subject of Protection of American Industry—Mr. Clay's Speech respecting it—Visit of Lafayette to U. S.—Is received by Mr. Clay in the House of Representatives—Presidential Campaign of 1824—Rival Candidates—Mr. Adams elected President—Mr. Clay appointed Secretary of State—Charge of "Bargain and Sale"—Its Falsehood and Malignity—Mr. Clay's Self-Vindication... 71

CHAPTER VII.

Mr. Clay as Secretary of State—His Official Activity—General Jackson receives the Charge of Bargain and Sale—Unpopularity of the Adams Administration—John Randolph—His Assault on Mr. Clay—Duel between Clay and Randolph—Its Incidents and Result—Election of General Jackson to the Presidency—Return of Mr. Clay to Kentucky—Malignity and Persecution of his Enemies—His Re-election to the United States Senate—Is nominated for the Presidency..... 84

CHAPTER VIII.

The Tariff of 1832—Mr. Clay's Bill—His Argument in Defence of it—Discontent in South Carolina—The Proclamation of President Jackson—Counter Proclamation of Governor Hayne—Mr. Clay's Compromise Bill—His Argument in Support of it—Mr. Webster's Opposition—Its Final Passage—Peace of the Union preserved—Mr. Clay's Journey through the Northern and Eastern States—Exhibitions of Popular Enthusiasm—His Return to Washington... 101

CHAPTER IX.

Disposal of the Public Lands—Policy of Mr. Clay respecting them—His Report on the Subject—President Jackson's Opposition to it—The Bank of the United States—The President resolves to remove the Deposits—Changes produced thereby in his Cabinet—The Opposition of Congress to the Measure—The Deposits removed—Mr. Clay's Speeches on the Subject—The Expunging Resolution—Extracts..... 118

CHAPTER X.

Mr. Clay's Opposition to President Jackson—His Visit to Kentucky—American Claims on France—Their Adjustment—Mr. Clay's Report on the Subject—Election of Mr. Van Buren to the Presidency—The Sub-Treasury System—Mr. Clay's Opposition to it—His Speeches on the Subject—Defeat of the Bill proposing it—Its Subsequent Revival—Continued Opposition to it by Mr. Clay..... 134

CHAPTER XI.

The Campaign of 1840—Nomination of Gen. Harrison to the Presidency—His Election—His Death—Accession of Mr. Tyler—Mr. Clay's Bill on the U. S. Bank—Its Veto by Pres. Tyler—Mr. Clay's Speech on the Veto—Mr. Clay's Visit to his Birthplace—Incidents of that Occasion—Mr. Clay resigns his Seat in the Senate—His Letter to the Legislature of Kentucky—His Address to the Senate on his Resignation—Impression produced by its Delivery..... 151

CHAPTER XII.

Mr. Clay's Return to Private Life—The Lexington Barbecue—His Speech on this Occasion—His Visit to Richmond, Indiana—Incident in Reference to the Slavery Question—His Speech on this Occasion—His Visit to Dayton, Ohio—His Journey to the South-Eastern States—Enthusiastic Receptions during the Progress of his Journey—He sojourns at Washington—Is nominated for the Presidency by the Whig Convention at Baltimore—He returns to Ashland..... 176

CHAPTER XIII.

The Presidential Campaign of 1844—Revival of the "Bargain and Sale" Slander—Characteristics of the Contest—Its Unexpected Result—Defeat of the Whigs—Disappointment of Mr. Clay's Friends—Various Proofs of their Attachment to him—The Mexican War—Death of Henry Clay, Jr.—Mr. Clay joins the Church—His Speech on the Mexican War—His Views on Slavery—His Visit to the North—His Reception..... 188

CHAPTER XIV.

The Political Campaign of 1848—Wishes of Mr. Clay's Friends—Nomination of General Taylor for the Presidency—His Election—Mr. Clay re-elected to the U. S. Senate—His Letter in Reference to the Abolition of Slavery in Kentucky—Its Results—Compromise Measures of 1850—Their Import—Mr. Clay's Efforts in Favor of Them—Opposition of both Northern and Southern Senators—Their Ultimate Defeat..... 203

CHAPTER XV.

Mr. Clay's Views of the Tariff of 1846 — The Harbor and River Bill — Mr. Clay's Interest in its Passage — Tactics of the Opposition — Mr. Clay's Appeals on the Subject — Ultimate Defeat of the Bill — Mr. Clay's last Visit to Ashland — His Return to Washington — His Interview with Kossuth — His Last Sickness — His Death — That Event announced in Congress.. 229

CHAPTER XVI.

Henry Clay's Obsequies at Washington — Remarks of Mr. Underwood — Eulogy pronounced by Mr. Seward — The Address of Mr. Breckenridge — Religious Services in the Senate Chamber — The Remains conveyed to Lexington — Their Reception there — Intense Popular Feeling — Addresses — Masterly Eulogy by Mr. Crittenden 237

APPENDIX.

SELECT SPEECHES OF HENRY CLAY.

I.

On the Greek Revolution. Delivered in the House of Representatives, Jan. 20, 1824..... 315

II.

Our Treatment of the Cherokees. Delivered in the Senate of the United States, Feb. 14, 1835..... 328

III.

On the Public Lands. Delivered in the Senate of the United States, 1832 355

IV.

On African Colonization. Delivered in the House of Representatives, Jan. 20, 1827, before the American Colonization Society..... 409

HENRY CLAY.

CHAPTER I.

BIRTH OF HENRY CLAY—HIS FAMILY—HE ATTENDS SCHOOL—"MILLBOY OF THE SLASHES"—IS PLACED IN DENNY'S STORE—HIS EARLY HABITS—OBTAINS A DESK IN THE OFFICE OF THE CLERK OF THE VIRGINIA COURT OF CHANCERY—HIS INDUSTRY—CHANCELLOR WYTHE—HIS STUDIES—PREPARES FOR THE BAR—IS ADMITTED—HIS REMOVAL TO LEXINGTON, KENTUCKY—HIS LIMITED RESOURCES—FURTHER STUDIES IN LEXINGTON—ADMITTED TO THE BAR IN FAYETTE COUNTY—HIS FIRST SPEECH IN THE DEBATING CLUB.

HENRY CLAY, who may justly be denominated the most versatile and eloquent of American statesmen, was born in Hanover county, Virginia, on the 12th of April, 1777. He first saw the light at a period when his native land was involved in the desperate struggles of the Revolution by which she achieved her liberties; and his infancy was nursed amid its lowering storms and thrilling vicissitudes. His father was an esteemed Baptist clergyman, who officiated in that neighborhood; a region of country to which the epithet "Slashes" was applied, as significant of the low and marshy nature of the soil. Henry was one of a family of eight children, consisting of five sons

and three daughters. The latter all died at an early period; of the sons, the Rev. Porter Clay, who lived subsequently at Jacksonville, Illinois, alone attained, with his illustrious brother, a maturer age.

The future statesman lost his father by death in 1781, when he was in his fifth year. The family were left in very dependent circumstances; yet the mother of Henry, who was a person of superior intellect and resolution, secured for him the best mental cultivation which was then within her reach. He was sent to the nearest school in the neighborhood, where an Englishman of more than ordinary attainments, named Deacon, taught the usual branches of rudimental knowledge. This seat of the muses, thus destined to so unexpected a posthumous fame, was an humble log cabin, with no floor but the naked earth, the door and windows being always open to the free airs of heaven. In that ungenial spot this boy of such extraordinary gifts, and destined to so wide a celebrity, acquired a knowledge of reading, writing, and arithmetic. In the vicinity of this school, the widowed mother continued to reside for some years; during which period Henry, when not engaged with his books, was called upon to assist in various household offices. One of these, was to procure from a mill in the Slashes the necessary flour for the use of the family; which duty he usually accomplished by riding on horseback thither with a bag; and thus arose that phrase which afterward became familiar to millions of American ears, as applied to him: "the Mill-boy of the Slashes."

Several years after the death of her first husband, Mrs. Clay married Captain Henry Watkins, a resident

of Richmond. By his means, Henry was placed in 1791, when fourteen years of age, in the store of Richard Denny, in that city; and there he remained for the period of a year. During this interval the boy was remarked for his industry, his amiability of temper, and propriety of behaviour; but at the same time, he exhibited a rarer and equally commendable quality. He evinced a desire to improve himself intellectually, and the hours of leisure which other youths of the same age devoted to amusement or to folly, he employed in reading such interesting and useful books as came within his reach. His step-father seems to have discerned the remarkable promise of the boy, and to have taken a more than ordinary interest in his welfare. Accordingly he applied to his friend Peter Tinsley, the clerk of the high Court of Chancery of Virginia, at Richmond, to admit young Clay into his office as one of his subordinates and assistants. A situation in this office was much prized, was with much difficulty attained, and at that time no vacancy existed in the usual number of clerks; nevertheless, the influence and assiduities of Captain Watkins prevailed, and Henry was promoted to the envied post.

The appearance of young Clay in this office was at first the signal for considerable amusement among his more polished and advanced associates. His personal characteristics might have excused a little merriment on the occasion, for he was a tall, gaunt, awkward youth, whose confusion at the novelty of his situation was apparent; and his attire, consisting of a suit of Virginia cloth, resembling in color a mixture of pep-

per and salt, seemed equally singular and anomalous. But the associates of the young clerk soon discovered the better and higher qualities which he possessed; his manliness, independence and amiability; and soon he gained their favor and admiration. His excellent habits of industry also won their regard and that of his employer; for he exhibited an insatiable desire for mental improvement, and his leisure time was still devoted to the increase of his knowledge, by the perusal of all the works of value and entertainment which he could secure. Like all intellects of a high order, his mind felt a natural attraction, an instinctive, elective affinity towards those beauties and mental achievements which other minds of similar gifts and capacities have produced and elaborated, and which are preserved on the printed page for the gratification and improvement of mankind.

Henry Clay's connection with the clerk's office of the Court of Chancery, placed him within the reach of influences which produced a decisive effect upon his future destiny through life, and moulded it in a new and more attractive form. He was there brought in contact with Chancellor Wythe, one of the ablest and most eminent men whom Virginia has produced. The Chancellor soon discerned the superior gifts of the young clerk; and being in want of an amanuensis in recording his decisions, as well as preparing other necessary writings, he requested the chief clerk to allow him the assistance and the service of young Clay. This request was complied with; and the result was, that during the period of four years he served the Chancellor in the capacity of clerk, at the same time

enjoying the benefits of his society, his advice, and his patronage.

Nothing could have been more fortunate for young Clay than his propitious relation. His patron soon began to entertain a high admiration for his character, and to feel an interest in his future destiny. He readily discerned that his clerk possessed talents of a high order; and these he resolved to nurture, to develop and encourage, that they might fully achieve their legitimate destiny. He gave him directions as to the course of his studies; pointed out what departments of knowledge should be explored; designated what books should be studied; and stimulated him in the pursuit of information. The apt and ambitious pupil of the Chancellor made the utmost of these fortunate influences, and his industry was as remarkable as his progress in knowledge was extraordinary. His capacious mind, developing and ripening now into the full stature and capacity of manhood, advanced with the facility of a giant, through the realms of knowledge; and although his acquisitions were not systematic, nor pursued according to the symmetrical arrangements which exist in institutions professedly devoted to the pursuit of science, they were diversified, and extensive, and practical.

Young Clay enjoyed one great advantage from this peculiarity of his early studies; he was thrown in an unusual degree upon his own resources; he used no props or stilts; and thus his mind attained one of the chief essentials and attributes of greatness — perfect self-dependence and reliance. After he had spent several years in the services of Chancellor Wythe, he

followed his suggestion, and was enrolled in the office of Attorney-General Brooke as a regular student of law. The Chancellor had directed his aspirations to the bar, as the future arena of his life and labors; he followed the suggestion; and for a year devoted himself industriously to the specific studies which were requisite to fit him for admission to the profession. During this interval, another influence was brought to bear upon young Clay, which was of the most useful character, and helped to develop his intellectual energies by drawing them forth to the light of day, and assuring him of the till then unknown powers which Nature had placed within him. While a student in Mr. Brooke's office, he established a debating society, for the purpose of practice in public speaking. Among the young persons who were associated with him in this enterprise, there were several who afterward attained distinction. But the debates and orations in which Clay took part in this association, first elicited and displayed his remarkable gifts as a natural orator; they surprised and delighted himself with the first consciousness of his latent gifts; while they furnished to his associates abundant and convincing proof of what his future distinction would be. The fame of the young orator even went abroad among the citizens of Richmond, and caused the hopes and admiration of the public to be associated with his name.

In 1792 Clay's mother, her husband, and family, removed to the vicinity of Lexington, Kentucky. He remained in Richmond to continue his studies; and one year after his entrance into the office of Mr. Brooke, he was examined, and admitted to practice,

by the Virginia Court of Appeals. This event occurred in 1797, in his twenty-first year. With his license in his pocket, as his only possession, except the rare gifts and capabilities which he carried in his head, the young adventurer then left Richmond, where no opening seemed to invite him; and he journeyed to Lexington, in Kentucky, for the purpose of commencing the practice of his profession. He himself afterward described the state of his finances, and the moderation of his hopes at this period, in the following graphic language, which was uttered in Lexington, in June, 1842, at a public entertainment given him by the citizens:

“In looking back upon my origin and progress through life, I have great reason to be thankful. My father died in 1781, leaving me an infant of too tender years to retain any recollection of his smiles or endearments. My surviving parent removed to this State in 1792, leaving me, a boy of fifteen years of age, in the office of the high court of chancery, in the city of Richmond, without guardian, without pecuniary means of support, to steer my course as I might or could. A neglected education was improved by my own irregular exertions, without the benefit of systematic instruction. I studied law principally in the office of a lamented friend, the late Governor Brooke, then Attorney-General of Virginia, and also under the auspices of the venerable and lamented Chancellor Wythe, for whom I had acted as amanuensis. I obtained a license to practise the profession, from the judges of the court of appeals of Virginia, and established myself in Lexington, in 1797, without

patrons, without the favor or countenance of the great or opulent, without the means of paying my weekly board and in the midst of a bar uncommonly distinguished by eminent members. I remember how comfortable I thought I should be if I could make one hundred pounds, Virginia money, per year, and with what delight I received the first fifteen shillings fee. My hopes were more than realized; I immediately rushed into a successful and lucrative practice."

On his arrival in Lexington, in 1797, he did not apply at once for admission to practice, but spent a few months in prosecuting his legal studies; doubtless from the necessity which existed, that he should make himself familiar with the differences which prevailed between the laws of the State which he had left, and those of the State to which he had removed. At length his application was made, and he was admitted; thus becoming the member of a bar which already included among its ornaments several men of distinguished abilities, such as John Breckenridge, James Hughes, and George Nicholas.

An incident occurred during the short period spent by Henry Clay in preparatory studies before his admission to the Lexington bar, which deserves to be narrated, inasmuch as, in the case of so gifted a man, it furnishes an evidence that much diffidence and modesty may often be combined with vast intellectual gifts. A debating club existed among the young men of Lexington, of which Mr. Clay soon became a member. He had attended several meetings without taking any part in the proceedings. On a certain evening, just as the debate was about to be termi-

nated, and the usual vote to be taken, he was heard to remark, in an under-tone, that he did not think the subject had been fully exhausted. Several of the members then urged him to speak, and their importunities at length prevailed. Mr. Clay rose, but in the utmost confusion. He stammered out the words, "Gentlemen of the jury," to the surprise and amusement of the assembly, and his trepidation increased. He repeated the same words a second time, with a still more aggravated result. At length, by a vigorous effort, probably stung by the illy-suppressed ridicule of his audience, he mastered his fears, and commenced his speech. As he progressed he gained confidence; he warmed with the subject; his fine powers came into full play; and before he concluded, he convinced all who heard him that he was one of Nature's noblemen, an orator of high gifts, and of brilliant promise. Mr. James Hughes, who was present, afterward a distinguished member of the Lexington bar, asserted repeatedly on subsequent occasions, that *that* was the best speech Mr. Clay ever delivered;—a judgment indeed of doubtful accuracy, but indicative of the high admiration with which this virgin effort of Mr. Clay inspired him and his associates.

CHAPTER II.

MR. CLAY'S PROFESSIONAL SUCCESS—CASE OF MRS. PHELPS—OF THE TWO GERMANS—OF WILLIS—THE NEW CONSTITUTION OF KENTUCKY—MR. CLAY'S OPINIONS ON THE ABOLITION OF SLAVERY—HIS SPEECHES ON THE SUBJECT—CONSEQUENT UNPOPULARITY—ELECTED TO THE GENERAL ASSEMBLY OF KENTUCKY—ALIEN AND SEDITION LAWS—HE ADVOCATES THE REMOVAL OF THE STATE CAPITAL—THE RESULT—HIS MARRIAGE AND FAMILY.

THE early experience of Mr. Clay in the practice of his profession, was such as might have been anticipated from the superiority of his talents. Very full details of events which occurred at so distant a period, do not now exist; but such as do remain, clearly demonstrate that he soon attained a high rank as a popular and eloquent advocate. A few incidents appertaining to this portion of his career, may here be appropriately introduced.

One of the first cases in which he was retained, was that of a Mrs. Phelps, who was charged with the crime of murder. She was the wife of a respectable farmer, who, previous to the act for which she was arrested and arraigned, had been esteemed as an exemplary woman. In a moment of passion, when quarrelling with her husband's sister, she seized a loaded musket which happened to be at hand, and discharged it at her, producing immediate death. The

crime was not denied; the only possible plea was, that, the act being committed in the heat of passion, without any malice prepense, the defendant should not suffer death, but merely a punishment which, while it vindicated the majesty of the law, would not ruin the happiness and blast the reputation of the accused. In addressing the jury on behalf of this client, Mr. Clay dwelt with much eloquence, as is reported, upon the fact that the defendant was a woman of good reputation, who acknowledged her fault, and felt the utmost regret for it; that her husband, the brother of the deceased, pitied and forgave her crime, and interceded in her behalf; while it was evident that the sudden gust of passion under which she had committed the deed, amounted in reality to temporary *delirium*, during the existence of which her reason had been dethroned. In taking this position, Mr. Clay may be said to have invented or introduced that plea of insanity in cases of sudden crime, which has been urged so frequently since in defence of many similar acts of unpremeditated violence.

Another trial in which the popular talents of the young advocate were displayed, was that of two Germans, the father and son, who were charged with murder in the first degree. The circumstances of the case were aggravated, and the general expectation of the community was, that nothing could save the necks of the culprits from the halter. Mr. Clay, nevertheless, undertook their defence. The fact of the commission of the deed was clearly proved, and the only resource of the advocate was, to endeavor to diminish the grade of the crime in the estimation of

the court and jury. After a laborious contest of five days, the verdict of the jury was manslaughter. But the resources of the young counsellor were not yet exhausted; and he immediately moved for an arrest of judgment, supporting the motion with such plausible and conclusive arguments, that the court was compelled to grant it. The result was, that the defendants were eventually discharged; but the conclusion of the scene was as singular as were the ability and success of the advocate. The wife and mother of the accused, who had been present in the court during the trial, watching every step and vicissitude of its progress with the most anxious attention, as soon as she learned that her husband and son were set at liberty, rushed forward to the bar, and in the presence of the crowd, threw her arms around the neck of their deliverer, and overwhelmed him with caresses. Such a demonstration was doubtless much more complimentary to the talents than agreeable to the feelings of the youthful and blushing advocate.

Another case of similar character which may be mentioned, was that of a person named Willis, who had committed a murder under circumstances of atrocious guilt. Mr. Clay defended him, and after a protracted trial, the jury were unable to agree upon a verdict. The result was, that a new trial was ordered, and Mr. Clay again appeared for the defendant. He immediately put in the plea, well known to the common law, that no person can be twice put in jeopardy of his life upon the same charge. The court replied, that such a plea could not be received, and forbade the clerk to enter it. Mr. Clay thereupon informed

the judges, that he would abandon the case if such a decision was insisted on, and immediately withdrew from the court. By this decisive step, the whole responsibility of violating what seemed to be an acknowledged principle of law, was thrown upon the judges; and either their ignorance or their fears counselled them not to assume it. They consequently sent a messenger after the retreating lawyer, requesting him to return. He complied, and was then informed that he might proceed in the conduct of the case as he pleased. Mr. Clay then argued the point more at length, insisting that a previous trial was equivalent in effect to a plea of *autrefois acquit*, or a former acquittal; and that on that ground, his client was entitled to his discharge. The resolution and ingenuity of the advocate prevailed, and a verdict of not guilty was ultimately rendered.

It is doubtless true that cases of ability and success similar to these, occur in the early career of all lawyers of superior capacities, and are in themselves nothing miraculous; nevertheless, they were appropriate to the character and talents of Mr. Clay, and deserve to be recorded, as forming part of the first professional triumphs of a man who afterward achieved so very distinguished a destiny.

The transition from the pursuits of the legal profession to those of a political life was very natural, and almost inevitable in the case of a young aspirant after fame, and fortune as gifted as Mr. Clay; and accordingly we find, that as early as 1798, when the inhabitants of Kentucky were about to elect the delegates to a Convention to frame a new State Constitu-

tion, Mr. Clay took a part in the discussions which accompanied that movement. The most remarkable feature in the new Constitution which was proposed, was the gradual abolition of slavery in the State. The plan which he favored was, that the generation of slaves then living should remain in bondage; but that all negroes born in the State after a certain period, should be free. He published a series of articles in the Kentucky Gazette at Lexington, over the signature of *Scaevola*, defending this policy; and he advocated it in his public speeches. But the step was unacceptable to the people; he and those who approved of his views were greatly in the minority; the measure was completely crushed at the time; and Mr. Clay lost thereby much of his popularity. Nevertheless, he adhered consistently to the opinions on the the subject of slavery which he then defended, throughout his whole subsequent career. He reiterated the same sentiments on many occasions with great boldness. Thus when addressing the American Colonization Society at Washington, in January, 1827, he thus expressed himself:

“The population of the United States being, at this time, estimated at about ten millions of the European race, and two of the African, on the supposition of the annual colonization of a number of the latter, equal to the annual increase of both of its classes (bond and free), during the whole period necessary to the process of duplication of our numbers, they would, at the end of that period, relatively stand twenty millions for the white and two for the black portion. But an annual exportation of a number equal to the

annual increase, at the beginning of the term, and persevered in to the end of it, would accomplish more than to keep the parent stock stationary. The colonists would comprehend more than an equal proportion of those of the prolific ages. Few of those who had passed that age, would migrate. So that the annual increase of those left behind, would continue gradually, but at first insensibly, to diminish; and by the expiration of the period of duplication, it would be found to have materially abated. But it is not merely the greater relative safety and happiness, which would, at the termination of that period, be the condition of the whites. Their ability to give further stimulus to the cause of colonization will have been doubled, while the subjects on which it would have to operate, will have decreased, or remained stationary. If the business of colonization should be regularly continued during two periods of duplication, at the end of the second, the whites would stand to the blacks, as forty millions to not more than two, while the same ability will have quadrupled. Even if colonization should then altogether cease, the proportion of the African to the European race will be so small, that the most timid may then for ever dismiss all ideas of danger from within or without, on account of that incongruous and perilous element in our population.

“Further: by the annual withdrawal of fifty-two thousand persons of color, there would be an annual space created for an equal number of the white race. The period, therefore, of the duplication of the whites,

by the laws which govern population, would be accelerated.

“Such is the extension and use which may be made of the principle of colonization, in application to our slave population, by those states which are alone competent to undertake and execute it. All, or any one of the states, which tolerate slavery, may adopt and execute it, by co-operation, or separate exertion.

“If I could be instrumental in eradicating this deepest stain from the character of our country, and removing all cause of reproach on account of it, by foreign nations; if I could only be instrumental in ridding of this foul blot that revered State that gave me birth, or that not less beloved State which kindly adopted me as her son; I would not exchange the proud satisfaction which I should enjoy, for the honor of all the triumphs ever decreed to the most successful conqueror.

“We are reproached with doing mischief by the agitating of this question. Collateral consequences we are not responsible for. It is not this society, which has produced the great moral revolution, which the age exhibits. What would they, who thus reproach us, have done? If they would repress all tendencies toward liberty, and ultimate emancipation, they must do more than put down the benevolent efforts of this society. They must go back to the era of our liberty and independence, and muzzle the cannon, which thunders its annual joyous return. They must revive the slave-trade, with all its train of atrocities. They must blow out the moral lights around us, and extinguish that greatest torch of all, which

America presents to a benighted world, pointing the way to their rights, their liberties, and their happiness. And when they have achieved all these purposes, their work will yet be incomplete. They must penetrate the human soul, and eradicate the light of reason, and the love of liberty. Then, and not till then, when universal darkness and despair prevail, can you perpetuate slavery, and repress all sympathies, and all humane and benevolent efforts among freemen, in behalf of the unhappy portion of our race doomed to bondage."

In another speech, on the same subject, delivered at Frankfort, Kentucky, December 17, 1829, at the anniversary of the Kentucky Colonization Society, Mr. Clay uttered the following sentiments:

"More than thirty years ago an attempt was made, in this commonwealth, to adopt a system of gradual emancipation, similar to that which the illustrious Franklin had mainly contributed to introduce, in 1780, in the State founded by the benevolent Penn. And among the acts of my life, which I look back to with most satisfaction, is that of my having co-operated, with other zealous and intelligent friends, to procure the establishment of that system in this State. We believed that the sum of good, which would be attained by the State of Kentucky, in a gradual emancipation of her slaves, would far transcend the aggregate of mischief which might result to herself and the Union together, from the gradual liberation of them, and their dispersion and residence in the United States. We were overpowered by numbers, but submitted to the decision of the majority,

with a grace which the minority, in a republic, should ever yield to such a decision. I have, nevertheless, never ceased, and never shall cease, to regret a decision, the effects of which have been to place us in the rear of our neighbors who are exempt from slavery, in the state of agriculture, the progress of manufactures, the advance of improvements, and the general prosperity of society. Is there no remedy? Must we endure perpetually all the undoubted mischiefs of a state of slavery, as it affects both the free and bond portions of these States? What mind is sufficiently extensive in its reach, what nerves sufficiently strong, to contemplate this vast and progressive augmentation [of the slave population] without an awful foreboding of the tremendous consequences?

“When we consider the cruelty of the origin of negro-slavery, its nature, the character of the free institutions of the whites, and the irresistible progress of public opinion, throughout America, as well as in Europe, it is impossible not to anticipate frequent insurrections among the blacks in the United States; they are rational beings, like ourselves, capable of feeling, of reflection, and of judging of what naturally belongs to them as a portion of the human race. By the very condition of the relation which subsists between us, we are enemies of each other. They know well the wrongs which their ancestors suffered, at the hands of our ancestors, and the wrongs which they believe they continue to endure, although they may be unable to avenge them. They are kept in subjection only by the superior intelligence and superior power of the predominant race.

“If we were to invoke the greatest blessing on earth, which Heaven, in its mercy, could now bestow on this nation, it would be the separation of the two most numerous races of its population, and their comfortable establishment in distinct and distant countries. To say nothing of the greatest difficulty in the formation of our present happy Constitution, which arose out of this mixed condition of our people; nothing of the distracting Missouri question, which was so threatening; nothing of others springing from the same fruitful source, which yet agitate us, who can contemplate the future, without the most awful apprehensions? Who, if this promiscuous residence of whites and blacks, of freemen and slaves, is for ever to continue, can imagine the servile wars, the carnage and the crimes, which will be its probable consequences, without shuddering with horror?”

— Notwithstanding the temporary unpopularity which the utterance of sentiments such as these, or of similar import, threw upon him, Mr. Clay soon regained the favor of the people of Kentucky, to whom he had by this time become known as a rising young lawyer and politician of unequalled abilities; and four years after, in 1803, while he was absent at the Olympian Springs, he was nominated and elected a member of the General Assembly of his adopted State. One means by which he had regained the popular favor, was the energy and zeal with which he had condemned the alien and sedition laws which were passed during the administration of John Adams. The alien law authorized the President to order any alien or foreigner whom he chose to consider dangerous to

the peace and safety of the country, to leave it, or be imprisoned for three years. By the sedition law, he was invested with full power to punish all offences of speech and of the press. These measures, which Mr. Clay regarded as anti-republican, he opposed with his utmost ability; and such opposition was consistent with the doctrines which he held as a Jeffersonian Democrat. It was under this banner, and in conjunction with this party, that he commenced his political career, and whatever measures promoted the enjoyment of the largest degree of freedom, consistent with the stability of society, the administration of law, and the rights of others, he was disposed to advocate. In this instance he was on the popular side, and the result was, his first election to an office in the gift of the people.

The most important measure which Mr. Clay advocated during his term of service in the Legislature, was the removal of the State capital from Frankfort. In his speech on that occasion he is said to have compared in a humorous vein the unfitness of the location of that city to an inverted hat. Frankfort was the body of the hat, the surrounding high lands and bluffs were the brim. The place resembled Nature's great penitentiary; and was in no respect suited to the distinction of being the capital of the Commonwealth. The Legislature finally resolved to make the proposed removal; but as no suitable locality was ever afterward chosen, Frankfort still remained the seat of government.

Mr. Clay was married in April, 1797, a year and a half after his removal to Kentucky, to Miss Lucretia

Hart, daughter of Colonel Hart, one of the most esteemed and respectable citizens of Lexington. Mrs. Clay was a native of Hagerstown, Maryland, and four years younger than her distinguished husband. A long life of domestic felicity afterward crowned their union; and a family of eleven children successively graced their family circle; of whom a large proportion died in early life. One of his surviving sons fell with honor in his country's service, on the blood-stained field of Buena Vista, in 1847.

CHAPTER III.

MR. CLAY'S DEFENCE OF AARON BURR—HIS ELECTION TO THE UNITED STATES SENATE—ANNOUNCING HIS SYSTEM OF "INTERNAL IMPROVEMENT"—HIS SUBSEQUENT ELECTION TO THE KENTUCKY LEGISLATURE—HIS DUEL WITH MR. HUMPHREY MARSHALL—HIS SERVICES IN THE LEGISLATURE—HIS RE-ELECTION TO THE U. S. SENATE—HIS SPEECH ON THE PERDIDO TRACT.

IN the year 1806 Mr. Clay became engaged in professional duties which brought him into intimate relations with the celebrated Aaron Burr. A short time previous to this event, two men named Wood and Street, had removed from Virginia to Frankfort, in Kentucky, and had established a newspaper under the title of the "The Western World," in which they charged several prominent persons in that State with being engaged in projects and conspiracies having for their object the separation of some of the Southwestern States from the Confederacy. Among those thus charged was Judge Innis, whose high character should have protected him from such an imputation. He prosecuted the editors of this paper for libel, and recovered exemplary damages. Mr. Clay represented the Judge in this suit, and displayed his usual skill and ability in its conduct.

Shortly afterward public rumor charged Aaron Burr with treasonable designs against the Federal Govern-

ment; and he was arrested when passing through Kentucky at the instance of Colonel Daviess, then the United States District Attorney for that district. As Mr. Clay's reputation was already very great as an advocate, Burr's first step was to retain him for his defence; and as all the other rumors and charges of treason which had been prevalent had been proven to be false and groundless, Mr. Clay inferred that Mr. Burr was also an innocent victim of public and wanton slander. He agreed to defend Burr on the trial; but when the indictment was sent in to the Grand Jury, they deemed the evidence insufficient, and ignored the bill. Burr was soon afterward arrested again, and again retained Mr. Clay; but as the latter had recently been elected to a high office in the Federal Government, he declined to accept the trust unless Mr. Burr would give him a written assurance of his entire innocence. This assurance Burr gave in the following language:

"I have no design, nor have I taken any measure, to promote a dissolution of the Union, or the separation of any one or more States from the residue. I have neither published a line on this subject, nor has any one through my agency, or with my knowledge. I have no design to intermeddle with the Government, or to disturb the tranquillity of the United States, or of the territories, or any part of them. I have neither issued, nor signed, nor promised, any commission to any person, for any purpose. I do not own a musket nor bayonet, nor any single article of military stores, nor does any person for me, by my authority, or with my knowledge. My

views have been fully explained to and approved by several of the principal officers of Government, and, I believe, are well understood by the Administration, and seen by it with complacency; they are such as every man of honor, and every good citizen, must approve. Considering the high station you now fill in our national councils, I have thought these explanations proper, as well to counteract the chimerical tales which malevolent persons have so industriously circulated, as to satisfy you that you have not espoused the cause of a man in any way unfriendly to the laws or the interests of the country."

The Grand Jury, however, ignored the bill a second time, and again Mr. Clay escaped the necessity of defending a traitor; but subsequently, in 1815, when he returned from Ghent, and visited Mr. Jefferson at Washington, the latter placed before him such indisputable proofs of Burr's guilt, that he was convinced of the falsehood of his protestations of innocence. Accordingly, when Clay and Burr accidentally met in New York soon after, and when the latter wished to renew their friendly relations, Mr. Clay declined the proffer, and repulsed his advances.

In 1806 Mr. Clay was elected by the Legislature of Kentucky to fill a vacancy in the Senate of the United States, occasioned by the resignation of Hon. John Adair. It was certainly a rare and singular honor for a young man of thirty years of age, to be chosen to occupy so high and responsible a post. The ability and industry which he exhibited in his new office, however, soon convinced the public that the trust had not been misplaced. He took an active part in the

discussions which occupied the attention of the Senate; and among other things offered and advocated a resolution which proposed the appropriation of a quantity of land for the opening of a canal, to be cut around the rapids of the Ohio River, on the Kentucky shore. The merit of this movement on the part of Mr. Clay consisted in the fact that appropriations for internal improvements were, at that early period, a novelty in Federal legislation, and this proposition possessed the nature and aspect of a pioneer in that commendable policy. This was also the first illustration of the great system of *Internal Improvements* to which Mr. Clay was attached through life, and in the promotion of which many of his ablest and most successful efforts were made. This is the policy to which the term "American System" has been so appropriately applied, as tending to promote the interests of this country, in opposition to that of foreign governments and communities. This great doctrine was embodied and expressed in the following resolution, which he proposed and advocated at this period, and which was passed with but three opposing votes:

"*Resolved*, That the Secretary of the Treasury be directed to prepare and report to the Senate, at their next session, a plan for the application of such means as are within the power of Congress, to the purposes of opening roads and making canals; together with a statement of undertakings of that nature, which, as objects of public improvement, may require and deserve the aid of Government; and, also, a statement of works, of the nature mentioned, which have been commenced, the progress which has been made in

them, and the means and prospect of their being completed; and all such information as, in the opinion of the Secretary, shall be material in relation to the objects of this resolution."

The office to fill which Mr. Clay had been chosen, expired at the end of the first session of his incumbency. In the summer of 1807, he was elected to represent the citizens of Fayette County in the Kentucky Legislature. He displayed his usual ability and zeal in this important post; and among the most effective speeches which he delivered, was one in opposition to a proposition to exclude all references to English decisions and law reports, or elementary works on British law, in the trial of causes in the courts of Kentucky. Before he addressed the House on this subject, a large majority of the members were in favor of it. So strong was the prejudice which then existed against English despotism, either political or juridical, that it was deemed a step toward the more complete removal of the yoke which had once been worn by Americans, to overturn the authority which English jurisprudence still exercised over the minds of American lawyers, and over the decisions of American courts. The sagacious mind of Mr. Clay readily discerned the falsehood and folly of this doctrine, and he opposed it with all his abilities. He depicted the absurdity of depriving ourselves of those great and invaluable stores of legal learning which had been elaborated during the lapse of several ages, by the patient toils of the most gifted and powerful intellects which the world had ever seen, simply because they were identified with British institutions

and interests. He amended the motion so that it related only to the exclusion of those decisions which had been made subsequent to the 4th of July, 1776, and carried his proposition by a very large majority.

It was during this term of service in the Legislature of Kentucky, in December, 1808, that he introduced a series of resolutions approving the Embargo, condemning the British Orders in Council, and asserting that Mr. Jefferson deserved the thanks of his country for the ability, energy, and patriotism which he had displayed during his administration of public affairs. These resolutions were opposed with great bitterness by Humphrey Marshall; and when afterward Mr. Clay proposed that the members of the Legislature should wear no clothing except such as was of domestic manufacture, Mr. Marshall denounced the proposition as the expedient of a demagogue, and held it up to ridicule. The result of such displays of personal animosity, which Mr. Clay resented with much spirit, was, that a hostile meeting subsequently took place between the rival statesmen. Both parties were slightly wounded, and the quarrel was then settled by the interposition of mutual friends.

Mr. Clay still continued to be the recipient of public offices of trust from the Legislature of his adopted State. He was chosen to fill the vacancy occasioned in the Senate of the United States by the resignation of Mr. Thurston; and in the winter term of 1809-10, he represented Kentucky in the Senate. The period for which he was elected to serve was two years; and during that interval he took a prominent part in all the important discussions which engaged the atten

tion of the Federal Government. His ablest speech, at this period of his career, was delivered in the discussion of the validity of the claim of the United States to the territory lying between the Mississippi and Perdido rivers, which comprised the larger portion of Western Florida. This territory was claimed by Spain as a part of her Florida possessions. Mr. Madison, who was then President, had issued a proclamation, asserting that this tract belonged to the Orleans territory, and therefore subject to the jurisdiction of the United States. The party in the nation, and in Congress opposed to Mr. Madison's administration, usually termed the Federalist, condemned this position, and asserted that the territory belonged to Spain, and that England, as her ally, should assist her in defending her pretensions and her prerogatives over it. Mr. Clay vehemently and eloquently defended Mr. Madison and his positions. The speech which he delivered on this occasion was the ablest which had yet proceeded from him in the National Legislature. The spirit and tone which characterized it may be inferred from the following extracts:

“What, then, is the true construction of the Treaties of St. Ildefonso, and of April, 1803, whence our title is derived? If any ambiguity exist in a grant, the interpretation most favorable to the grantee is preferred. It was the duty of the grantor to express himself in plain and intelligible terms. This is the doctrine, not of Coke only (whose dicta, I admit, have nothing to do with the question), but of the code of universal law. The doctrine is entitled to augmented force, when a clause only of the instrument is ex

hibited, in which clause the ambiguity lurks, and the residue of the instrument is kept back by the grantor. The entire Convention of 1762, by which France transferred Louisiana to Spain, is concealed, and the whole of the Treaty of St. Ildefonso, except a solitary clause. We are thus deprived of the aid which a full view of both of those instruments would afford. But we have no occasion to resort to any rules of construction, however reasonable in themselves, to establish our title. A competent knowledge of the facts connected with the case, and a candid appeal to the Treaties, are alone sufficient to manifest our right. The negotiators of the Treaty of 1803 having signed, with the same ceremony; two copies, one in English and the other in the French language, it has been contended that in the English version, the term 'cede' has been erroneously used instead of 'retrocede,' which is the expression in the French copy. And it is argued that we are bound by the phraseology of the French copy, because it is declared that the Treaty was agreed to in that language. It would not be very unfair to inquire if this is not like the common case in private life, where individuals enter into a contract, of which each party retains a copy, duly executed. In such case, neither has the preference. We might as well say to France, we will cling by the English copy, as she could insist upon an adherence to the French copy; and if she urged ignorance on the part of M. Marbois, her negotiator, of our language, we might with equal propriety plead ignorance on the part of our negotiators of her language. As this, however, is a disputable point, I do not avail

myself of it; gentlemen shall have the full benefit of the expressions in the French copy. According to this, then, in reciting the Treaty of St. Ildefonso, it is declared by Spain, in 1800, that she retrocedes to France the Colony or Province of Louisiana, with the same extent which it then had in the hands of Spain, and which it had when France possessed it, and such as it should be after the Treaties subsequently entered into between Spain and other States. This latter member of the description has been sufficiently explained by my colleague.

“It is said that since France, in 1762, ceded to Spain only Louisiana west of the Mississippi, and the Island of New Orleans, the retrocession comprehended no more — that the retrocession *ex vi termini* was commensurate with, and limited by, the direct cession from France to Spain. If this were true, then the description, such as Spain held it, that is in 1800, comprising West Florida, and such as France possessed it, that is in 1762, prior to the several cessions, comprising also West Florida, would be totally inoperative. But the definition of the term retrocession contended for by the other side, is denied. It does not exclude the instrumentality of a third party. It means restoration, or re-conveyance of a thing originally ceded, and so the gentleman from Delaware acknowledged. I admit that the thing restored must have come to the restoring party from the party to whom it is retroceded; whether directly, or indirectly, is wholly immaterial. In its passage it may have come through a dozen hands. The retroceding party must claim *under* and in virtue of the right originally

possessed by the party to whom the retrocession takes place. Allow me to put a case: You own an estate called Louisiana. You convey one moiety of it to the gentleman from Delaware, and the other to me; he conveys his moiety to me, and I thus become entitled to the whole. By a suitable instrument I re-convey, or retrocede, the estate called Louisiana to you as I now hold it, and as you held it; what passes to you? The whole estate, or my moiety only? Let me indulge another supposition — that the gentleman from Delaware, after he received from you his moiety, bestowed a new denomination upon it, and called it West Florida, would that circumstance vary the operation of my act of retrocession to you? The case supposed is, in truth, the real one between the United States and Spain. France, in 1762, transfers Louisiana, west of the Mississippi, to Spain, and at the same time conveys the eastern portion of it, exclusive of New Orleans, to Great Britain. Twenty-one years after, that is, in 1783, Great Britain cedes her part to Spain, who thus becomes possessed of the entire province — one portion by direct cession from France, and the residue by indirect cession. Spain then held the whole of Louisiana *under* France, and in virtue of the title of France. The whole moved or passed from France to her. When, therefore, in this state of things, she says, in the Treaty of St. Ildefonso, that she retrocedes the province to France, can a doubt exist that she parts with, and gives back to France, the entire colony? To preclude the possibility of such a doubt, she adds, that she restores it, not in a mutilated condition, but in that precise con-

dition in which France had, and she herself, possessed it.

“Having thus shown, as I conceive, a clear right in the United States to West Florida, I proceed to inquire if the proclamation of the President, directing the occupation of property which is thus fairly acquired by solemn treaty, be an unauthorized measure of war, and of legislation, as has been contended?

“The Act of October, 1803, contains two sections, by one of which the President is authorized to occupy the territories ceded to us by France in the April preceding. The other empowers the President to establish a provisional government there. The first section is unlimited in its duration; the other is restricted to the expiration of the then session of Congress. The Act, therefore, of March, 1804, declaring that the previous Act of October should continue in force until the 1st of October, 1804, is applicable to the second, and not the first section, and was intended to continue the provisional government of the President. By the Act of 24th February, 1804, for laying duties on goods imported into the ceded territories, the President is empowered, *whenever he deems it expedient*, to erect the Bay and River Mobile, &c., into a separate district, and to establish therein a port of entry and delivery. By this same act the Orleans Territory is laid off, and its boundaries are so defined as to comprehend West Florida. By other acts, the President is authorized to remove by force, under certain circumstances, persons settling on or taking possession of lands ceded to the United States.

“These laws furnish a legislative construction of

the treaty, corresponding with that given by the Executive; and they indisputably vest, in this branch of the General Government, the power to take possession of the country, whenever it might be proper, in his discretion. The President has not, therefore, violated the Constitution, and usurped the war-making power; but he would have violated that provision which requires him to see that the laws are faithfully executed, if he had longer forborne to act. It is urged that he has assumed powers belonging to Congress, in undertaking to annex the portion of West Florida, between the Mississippi and the Perdido, to the Orleans Territory. But Congress, as has been shown, has already made this annexation, the limits of the Orleans Territory, as prescribed by Congress, comprehending the country in question. The President, by his proclamation, has not made law, but has merely declared to the people of West Florida what the law is. This is the office of a proclamation, and it was highly proper that the people of that Territory should be thus notified. By the act of occupying the country, the government *de facto*, whether of Spain or the revolutionists, ceased to exist; and the laws of the Orleans Territory, applicable to the country, by the operation and force of law attached to it. But this was a state of things which the people might not know, and which every dictate of justice and humanity therefore required should be proclaimed. I consider the bill before us merely in the light of a declaratory law."

CHAPTER IV.

PROPOSAL TO RECHARTER THE UNITED STATES BANK—MR. CLAY OPPOSES IT—SUBSEQUENT CHANGE IN HIS OPINIONS—REASONS FOR THAT CHANGE—MR. CLAY ELECTED TO THE HOUSE OF REPRESENTATIVES—IS CHOSEN SPEAKER—ENGLISH AND FRENCH HOSTILITIES AGAINST THE UNITED STATES—MR. CLAY IN FAVOR OF WAR WITH ENGLAND—HOSTILITIES COMMENCED—EVENTS OF THE WAR—MR. CLAY APPOINTED COMMISSIONER TO GHENT—TREATY OF PEACE—MR. CLAY'S RETURN HOME.

DURING the session of Congress which was held in the winter of 1811, the most exciting and important subject which demanded the attention of the Federal Representatives, was the proposition to renew the charter of the United States Bank. The Legislature of Kentucky had instructed Mr. Clay to oppose that measure; and this suggestion corresponded with the sentiments which he himself entertained at that time. It is well known that he subsequently changed his opinions on this subject, and the reasons which he gave for this apparent inconsistency,—the only one of a theoretical kind which his political and personal opponents were ever able to allege against him,—deserve to be stated.

The arguments which had convinced him of the impropriety of rechartering the bank in 1811 were three: 1. He believed that the corporation had abused

their powers during the previous period of their existence. 2. The authority to create a corporation like that of the United States Bank, was not specifically granted in the Federal Constitution. 3. His constituents had expressly instructed him to vote against the measure. At a subsequent period he became convinced of the fallacy of the arguments which were urged in opposition to the Bank; and in a speech delivered in Lexington, Kentucky, in 1816, he stated at length the considerations which had altered his convictions on the subject. These are so important, and the question is in itself of so grave a nature, that we may appropriately quote an extract from his speech on that occasion:

“How stood the case in 1816, when he was called upon again to examine the power of the general government to incorporate a National Bank? A total change of circumstances was presented—events of the utmost magnitude had intervened. A general suspension of specie payments had taken place, and this had led to a train of consequences of the most alarming nature. He beheld, dispersed over the immense extent of the United States, about three hundred banking institutions, enjoying in different degrees the confidence of the public, shaken as to them all, under no direct control of the General Government, and subject to no actual responsibility to the State authorities. These institutions were emitting the actual currency of the United States—a currency consisting of a paper on which they neither paid interest nor principal, while it was exchanged for the paper of the community on which both were

paid. He saw these institutions in fact exercising what had been considered, at all times and in all countries, one of the highest attributes of sovereignty, the regulation of the current medium of the country. They were no longer competent to assist the treasury in either of the great operations of collection, deposit, or distribution, of the public revenues. In fact, the paper which they emitted, and which the treasury, from the force of events, found itself constrained to receive, was constantly obstructing the operations of that department. For it would accumulate where it was not wanted, and could not be used where it was wanted for the purposes of government, without a ruinous and arbitrary brokerage. Every man who paid or received from the government, paid or received as much less than he ought to have done, as was the difference between the medium in which the payment was effected and specie. Taxes were no longer uniform. In New England, where specie payments have not been suspended, the people were called upon to pay larger contributions than where they were suspended. In Kentucky as much more was paid by the people in their taxes than was paid, for example, in the State of Ohio, as Kentucky paper was worth more than Ohio paper. Mr. Clay said, he determined to examine the question with as little prejudice as possible arising from his former opinion. He knew that the safest course to him, if he pursued a cold, calculating prudence, was to adhere to that opinion, right or wrong. He was perfectly aware, that if he changed, or *seemed* to change it, he should expose himself to some cen-

sure. But, looking at the subject with the light shed upon it by events happening since the commencement of the war, he could no longer doubt. A bank appeared to him not only necessary, but indispensably necessary, in connection with another measure, to remedy the evils of which all were but too sensible. He preferred to the suggestions of the pride of consistency, the evident interests of the community, and determined to throw himself upon their candor and justice. That which appeared to him in 1811, *under the state of things then existing*, not to be necessary to the General Government, seemed now to be necessary, *under the present state of things*. Had he then foreseen what now exists, and no objection had lain against the renewal of the charter other than that derived from the Constitution, he should have voted for the removal.

“Other provisions of the Constitution, but little noticed, if noticed at all, in the discussions in Congress in 1811, would seem to urge that body to exert all its powers to restore to a sound state the money of the country. That instrument confers upon Congress the power to coin money, and to regulate the value of foreign coins; and the States are prohibited to coin money, to emit bills of credit, or to make anything but gold and silver coin a tender in payment of debts. The plain inference is, that the subject of the general currency was intended to be submitted exclusively to the General Government. In point of fact, however, the regulation of the general currency is in the hands of the State governments, or, which is the same thing, of the banks created by them. Their paper has every quality of money, except that it

being made a tender, and even this is imparted to it by some States, in the law by which a creditor must receive it, or submit to a ruinous suspension of the payment of his debt. It was incumbent upon Congress to recover the control which it had lost over the general currency."

During the period of Mr. Clay's second term of service in the Senate of the United States, a variety of important subjects came up for discussion in that body; in all of which he took a prominent part. As a reward for his services, and as a proof of their proper appreciation by his constituents, he was elected by a large majority on the 4th of November, 1811, to represent them in the Lower House at Washington. On entering this branch of the National Legislature, Mr. Clay received the rare compliment of being chosen Speaker, by a majority of thirty-one. It may be proper to remark here that this honor was conferred upon him continuously from 1811 till 1825, except during his absence from the country as one of the Commissioners of the United States Government at Ghent, and at a subsequent period when he voluntarily withdrew himself from public affairs. Seven terms successively was he selected to fill that difficult and important post,—a distinction which we believe has fallen to the lot of no other American statesman. Nor is this phenomenon difficult of solution, when we remember the remarkable qualifications which Mr. Clay possessed for that high office. No man ever presided over the deliberations of a public assembly with more dignity, courtesy, and decision; none with a more familiar acquaintance with all the

rules of parliamentary usage, and of the proprieties of debate, than he.

That was an important and critical period in the history of the United States. England and France had been perpetrating a long series of outrages on our commerce, and innumerable insults had been heaped on the national honor. The pretext by which the French Government excused the offensive acts of its citizens, was the legitimate operation of the Berlin and Milan Decrees of Napoleon. The English Government pretended to excuse the seizure of American ships, and the confiscation of American property, on the ground that, as the United States had been the ally of France, they were justified in including them in the operation of their retaliatory measures. Serious and earnest remonstrances from the Federal Government, addressed to the French Emperor, resulted in the termination of the aggressive acts of his subjects toward us; but England turned a deaf ear to every appeal, and treated every expostulation with contempt.

This state of affairs continued during a year after the repeal of the decrees of Napoleon. In addition to the seizure of American vessels on the high seas, the impressment of American sailors in British ports was practised; and the insults which were offered to the flag of the United States became so extreme and glaring, that further forbearance not only ceased to be a virtue, but had degenerated into a craven vice. Nevertheless, two parties then existed among American statesmen as to the policy and propriety of declaring war against England. Mr. Clay became the

bold and enthusiastic leader of the party in favor of declaring war. In appointing the committees of the House, he selected those whose views sympathized with his own on this subject. A resolution was offered, to the effect that the United States be immediately put into the attitude of defence demanded by the crisis. Mr. Clay advocated it, and another of similar tendency, providing for the raising of twenty-five thousand troops. He also advocated the increase of the navy, by the immediate construction of ten frigates. This bill was passed in the House in January, 1812. On the 1st day of the succeeding April, the President, Mr. Madison, sent a message to Congress recommending that a general embargo be laid on all foreign vessels then in port. Mr. Clay declared in an able speech that he heartily approved of the measure, because he regarded it as a direct precursor to the proclamation of war. He became one of the most potent causes which eventually brought about that result. The law imposing an embargo was passed. On the 3rd day of June, 1812, a bill was reported by the Committee on Foreign Affairs, declaring war between Great Britain and the United States. On the 18th of that month it passed both Houses of Congress, and immediately received the sanction of the President. The advocates of the war were necessarily called upon to suggest the measures which were essential to increase the military resources of the country; and in the performance of this duty Mr. Clay exhibited his usual energy and ability. He urged the President to more active measures. He inspired the Cabinet with his own enthusiasm. He infused in-

tenser patriotism and martial ardor into the generals of the Republic.

At length the war began. It was a bold undertaking for the United States, which had just begun their national existence, and were the youngest among the nations, to cope with the colossal and veteran power of the Mistress of the Seas, the only empire which could resist and defy the mighty Corsican. The first events of the war were not such as to increase the enthusiasm of its advocates. Among the disasters which occurred were the surrender of the fort and town of Detroit by General Hull, and the defeat of General Van Rensselaer near Niagara. But soon these and other adverse events were compensated for, by the brilliant victories achieved by American seamen over the boasted navy of England. The frigate *Constitution*, commanded by Captain Hull, vanquished the British frigate *Guerriere*; and other equally significant triumphs followed. It was not without opposition and difficulty that Mr. Clay succeeded in carrying through Congress those measures which were necessary to provide the country with sufficient military and naval resources to meet the exigencies of the crisis. In January, 1813, a new army bill was proposed, and advocated by him with great eloquence. The following extract from his speech on that occasion will illustrate the spirit which actuated him, and the ability with which he spoke:

“If gentlemen would only reserve for their own Government, half the sensibility which is indulged for that of Great Britain, they would find much less to condemn. Restriction after restriction has been

tried; negotiation has been resorted to, until further negotiation would have been disgraceful. While these peaceful experiments are undergoing a trial, what is the conduct of the opposition? They are the champions of war—the proud—the spirited—the sole repository of the nation's honor—the men of exclusive vigor and energy. The Administration, on the contrary, is weak, feeble, and pusillanimous—'incapable of being kicked into a war.' The maxim, 'not a cent for tribute, millions for defence,' is loudly proclaimed. Is the Administration for negotiation? The opposition is tired, sick, disgusted with negotiation. They want to draw the sword, and avenge the nation's wrongs. When, however, foreign nations, perhaps emboldened by the very opposition here made, refuse to listen to the amicable appeals which have been repeated and reiterated by the Administration, to their justice and to their interest—when, in fact, war with one of them has become identified with our independence and our sovereignty, and to abstain from it was no longer possible, behold the opposition veering round and becoming the friends of peace and commerce. They tell you of the calamities of war, its tragical events, the squandering away of your resources, the waste of the public treasure, and the spilling of innocent blood. 'Gorgons, hydras, and chimeras dire.' They tell you, that honor is an illusion! Now, we see them exhibiting the terrific forms of the roaring king of the forest. Now, the meekness and humility of the lamb! They are for war and no restrictions, when the Administration is for peace. They are for peace and restrictions, when the

Administration is for war. You find them, sir, tackling with every gale, displaying the colors of every party, and of all nations, steady only in one unalterable purpose—to steer, if possible, into the haven of power.

“During all this time, the parasites of opposition do not fail, by cunning sarcasm, or sly inuendo, to throw out the idea of French influence, which is known to be false, which ought to be met in one manner only, and that is by the *lie direct*. The Administration of this country devoted to foreign influence! The Administration of this country subservient to France! Great God! what a charge! how is it so influenced? By what ligament, on what basis, on what possible foundation does it rest? Is it similarity of language? No! we speak different tongues, we speak the English language. On the resemblance of our laws? No! the sources of our jurisprudence spring from another and a different country. On commercial intercourse? No! we have comparatively none with France. Is it from the correspondence in the genius of the two governments? No! here alone is the liberty of man secure from the inexorable despotism which everywhere else tramples it under foot. Where, then, is the ground of such an influence? But, sir, I am insulting you by arguing on such a subject. Yet, preposterous and ridiculous as the insinuation is, it is propagated with so much industry, that there are persons found foolish and credulous enough to believe it. You will, no doubt, think it incredible (but I have nevertheless been told it is a fact), that an honorable member of this House, now

in my eye, recently lost his election by the circulation of a silly story in his district, that he was the first cousin of the Emperor Napoleon."

At length the tide of victory turned, and the colonial power of old England quailed before the prowess and heroism of the young Republic. The Hornet, commanded by Captain Lawrence, vanquished the British sloop-of-war Peacock. York, the capital of Upper Canada, fell before the assaults of General Dearborn. General Harrison was triumphant at Fort Meigs. The Emperor Alexander, of Russia, opportunely tendered his services as mediator between the conflicting parties, which offer was accepted by both. In consequence of this arrangement, Messrs. Clay, Gallatin, Bayard, Adams and Russell, were chosen to represent the United States at the conference which was appointed to be held at Göttingen, to adjust the conditions of peace. The deliberations were afterwards transferred to Ghent. On the 14th of January, 1814, Mr. Clay resigned the office of Speaker in the House of Representatives, and soon afterward embarked on his distant mission. It was after his arrival in Brussels that he learned the disastrous news, that Washington had been sacked, and the public buildings burned by the British. He received the first intelligence of these events through the excessive and exultant courtesy of the English plenipotentiaries. It was his privilege, however, soon afterward to reciprocate the compliment, by sending them the first information of the splendid naval triumph of the Americans on Lake Champlain.

During the deliberations which ensued, Mr. Clay

took a distinguished part. His bearing toward the representatives of England was bold, fearless, and defiant. This policy, so unusual among the cautious and cringing agents of tyrants and monarchs, accomplished much more than any other policy could have effected. The impression which he produced upon them may be inferred from the manner in which he was described, at that time, in the London journals; which, when speaking of the transactions transpiring at Ghent, referred to him as "that furious orator, Clay; the man who had killed the terrible Tecumseh with his own hand, and cut several razor-strops out of his back after he was dead!"

The terms of the treaty were at length successfully adjusted. Mr. Clay was in London when the decisive battle of Waterloo was fought, and witnessed the exultation and joy which the English people very naturally displayed on that occasion. He there met the Duke of Wellington, Lord Castlereagh, and other distinguished personages—visited some of the nobility at their palaces and country-seats by invitation—and returned to the United States in September, 1815. On disembarking at New York, he was complimented with a public dinner; and on arriving at Lexington, in Kentucky, was greeted by a large outpouring of the populace to welcome him to his home. A few days afterward a public dinner was tendered him by the leading inhabitants of that city. The sixth toast which was offered was as follows: "Our able negotiators at Ghent: their talents for diplomacy have kept pace with the valor of our armies in demonstrating to the enemy that these States will be

free." In reply to this well-deserved compliment, Mr. Clay made the following remarks:

"I feel myself called on, by the sentiment just expressed, to return my thanks, in behalf of my colleagues and myself. I do not, and am quite sure they do not, feel that, in the service alluded to, they are at all entitled to the compliment which has been paid them. We could not do otherwise than reject the demand made by the other party; and if our labors finally terminated in an honorable peace, it was owing to causes on this side of the Atlantic, and not to any exertions of ours. Whatever diversity of opinion may have existed as to the declaration of the war, there are some points on which all may look back with proud satisfaction. The first relates to the time of the conclusion of the peace. Had it been made immediately after the Treaty of Paris, we should have retired humiliated from the contest, believing that we had escaped the severe chastisement with which we were threatened; and that we owed to the generosity and magnanimity of the enemy, what we were incapable of commanding by our arms. That magnanimity would have been the theme of every tongue, and of every press, abroad and at home. We should have retired unconscious of our own strength, and unconscious of the utter inability of the enemy, with his whole undivided force, to make any serious impression upon us. Our military character, then in the lowest state of degradation, would have been unretrieved. Fortunately for us, Great Britain chose to try the issue of the last campaign. And the issue of the last campaign has demonstrated, in the

repulse before Baltimore, the retreat from Plattsburgh, the hard-fought action on the Niagara frontier, and in that most glorious day, the 8th of January, that we have always possessed the finest elements of military composition, and that a proper use of them only was necessary to ensure for the army and militia a fame as imperishable as that which the navy had previously acquired.

“Another point which appears to me to afford the highest consolation is, that we fought the most powerful nation, perhaps, in existence, single-handed and alone, without any sort of alliance. More than thirty years has Great Britain been maturing her physical means, which she had rendered as efficacious as possible, by skill, by discipline, and by actual service. Proudly boasting of the conquest of Europe, she vainly flattered herself with the easy conquest of America also. Her veterans were put to flight, or defeated, while all Europe — I mean the government of Europe — was gazing with cold indifference, or sentiments of positive hatred of us, upon the arduous contest. Hereafter no monarch can assert claims of gratitude upon us, for assistance rendered in the hour of danger.

“There is another view of which the subject of the war is fairly susceptible. From the moment that Great Britain came forward at Ghent with her extravagant demands, the war totally changed its character. It became, as it were, a new war. It was no longer an American war, prosecuted for redress of British aggressions upon American rights, but became a British war, prosecuted for objects of British

ambition, to be accompanied by American sacrifices. And what were those demands? Here, in the immediate neighborhood of a sister State and Territories, which were to be made, in part, the victims, they must have been felt, and their enormity justly appreciated. They consisted of the erection of a barrier between Canada and the United States, to be formed by cutting off from Ohio, and some of the Territories, a country more extensive than Great Britain, containing thousands of freemen, who were to be abandoned to their fate, and creating a new power, totally unknown, upon the continent of America: of the dismantling of our fortresses, and naval power on the lakes, with the surrender of the military occupation of those waters to the enemy, and of an *arrondissement* for two British provinces. These demands, boldly asserted, and one of them declared to be a *sine qua non*, were finally relinquished. Taking this view of the subject, if there be a loss of reputation by either party, in the terms of the peace, who has sustained it?

“The effects of the war are highly satisfactory. Abroad our character, which, at the time of its declaration, was in the lowest state of degradation, is raised to the highest point of elevation. It is impossible for any American to visit Europe, without being sensible of this agreeable change, in the personal attentions which he receives, in the praises which are bestowed on our past exertions, and the predictions which are made as to our future prospects. At home, a government, which, at its formation, was apprehended by its best friends, and pronounced by its

enemies, to be incapable of standing the shock, is found to answer all the purposes of its institution. In spite of the errors which have been committed (and errors have undoubtedly been committed), aided by the spirit and patriotism of the people, it is demonstrated to be as competent to the objects of effective war, as it has been before proven to be to the concerns of a season of peace. Government has thus acquired strength and confidence. Our prospects for the future are of the brightest kind. With every reason to count on the permanence of peace, it remains only for the government to determine upon military and naval establishments adapted to the growth and extension of our country, and its rising importance — keeping in view a gradual, but not burdensome, increase of the navy: to provide for the payment of the interest, and the redemption of the public debt, and for the current expenses of government. For all these objects, the existing sources of the revenue promises not only to be abundantly sufficient, but will probably leave ample scope to the exercise of the judgment of Congress, in selecting for repeal, modification, or abolition, those which may be found most oppressive and inconvenient.”

CHAPTER V.

ESTABLISHMENT OF A NATIONAL BANK — MR. CLAY'S ADVOCACY OF IT — PROPOSAL TO INCREASE THE SALARY OF REPRESENTATIVES — MR. CLAY'S VOTE ON THIS SUBJECT — THE SOUTH AMERICAN REPUBLICS — MR. CLAY'S PROPOSITION TO SYMPATHIZE WITH THEM — HIS ELOQUENCE ON THIS SUBJECT — ITS FINAL RESULTS — RESOLUTIONS CENSURING GENERAL JACKSON — THE ADMISSION OF MISSOURI TO THE UNION — THE MISSOURI COMPROMISE — MR. CLAY'S RETIREMENT TO PROFESSIONAL LIFE — HIS ILL-HEALTH — RETURN TO CONGRESS.

AT the commencement of the session of Congress of 1815-16, President Madison recommended in his message the establishment of a national bank, and a high protective tariff, as the most efficacious means of remedying the financial evils which afflicted the country immediately after the termination of the war. Mr. Clay, on this occasion, surprised the public by the announcement of that change in his opinions to which we have already adverted; and defended both of the measures proposed by Mr. Madison, with great zeal and eloquence. The reasons which he assigned for his sudden conversion to a new policy were as follows: Since 1811 an entire change of circumstances had supervened. A suspension of specie payment had taken place. The paper money issued by the United States Government was selling at a heavy discount. As to the power of Congress to

establish a bank, he no longer hesitated; for, inasmuch as the Constitution confers on the National Legislature the right to coin money, and regulate the value of foreign coins; and as the States are forbidden to exercise that right, or emit bills of credit, he drew the inference that Congress possessed exclusive jurisdiction over the whole question of the currency of the country. In the exercise of that jurisdiction, the establishment of a national bank was an obvious and legitimate measure.

The bill to re-charter the bank was discussed with great zeal and ability in both Houses of Congress. It was eventually passed by both, and then received the approval of the President. Mr. Clay's agency in this measure was severely reprehended by his political opponents, but he had evidently been guided by considerations which he believed to be promotive of the welfare of the country.

During the same session of Congress, a bill was introduced by which the mode of paying the salaries of the members was changed. It proposed that instead of receiving the sum of six dollars per day, as was then the rule, they should be paid fifteen hundred dollars per annum. Mr. Clay was personally in favor of a different arrangement from either of these; but as a large majority of both Houses were in favor of the proposition, he agreed to it, and voted for its passage. He incurred not a little opprobrium in consequence of this step, from some of his constituents, and several anecdotes are still extant, illustrative of the manner in which, in those primitive times in Kentucky, he was assailed by the objections of the dis-

affected, and how he answered and repelled them. One of these is as follows. During the next canvass, when the question of his re-election was discussed, he met an old hunter who had always been his staunch admirer and partizan, and who had then become alienated from him in consequence of his voting in favor of the compensation bill.

"Have you a good rifle, my friend?" asked Mr. Clay.—"Yes."—"Does it ever flash?"—"Once only," he replied. — "What did you do with it—throw it away?"—"No, I picked the flint, tried it again, and brought down the game."—"Have I ever flashed but upon the compensation bill?"—"No."—"Will you throw me away?"—"No, no!" exclaimed the hunter, with enthusiasm, nearly overpowered by his feelings; "I will pick the flint, and try you again!"

On the 5th of December, 1817, the first session of the Fifteenth Congress commenced, to which body Mr. Clay had been elected by a triumphant majority. He was again chosen Speaker of the House. During this session he took an active part in the most important discussions which occurred. Prominent among these was the question of sympathy and aid, which some members were in favor of extending, from the government and people of the United States to several of the republics of South America which were then struggling for the achievement of their liberties; to which they had been incited by the glorious example and the splendid success of our own revolution. Mr. Clay was enthusiastic in favor of this proposition. Many distinguished representatives opposed it; prominent among whom was Mr. Randolph of Virginia.

He ridiculed the idea of increasing our standing army, and taxing our citizens to assist the inhabitants of South America, who, as he contended, came not to our aid in the day of our necessity, and who he declared were not only unworthy of the enjoyment of political freedom, but did not even understand or comprehend its nature. Several sharp collisions passed between Messrs. Clay and Randolph on this occasion, which however then led to no serious result.

A proposition was made in Congress to send commissioners to South America, to ascertain the condition of the country. Subsequently Mr. Clay advocated the passage of a bill, deputing a minister from the United States to the Provinces situated on the River La Plata in South America; and to appropriate eighteen thousand dollars as an outfit for him. The measure at that time failed; but Mr. Clay's speech in favor of it was one of the ablest and most eloquent of his efforts; the following extracts from which possess the deepest interest:

“In contemplating the great struggle in which Spanish America is now engaged, our attention is first fixed by the immensity and character of the country which Spain seeks again to subjugate. Stretching on the Pacific Ocean, from about the fortieth degree of north latitude to about the fifty-fifth degree of south latitude, and extending from the mouth of the Rio del Norte (exclusive of East Florida), around the Gulf of Mexico, and along the South Atlantic to near Cape Horn; it is about five thousand miles in length, and in some places near three thousand in breadth. Within this vast region we behold the most sublime and in-

teresting objects of creation: the loftiest mountains, the most majestic rivers, in the world; the richest mines of the precious metals, and the choicest productions of the earth. We behold there a spectacle still more interesting and sublime—the glorious spectacle of eighteen millions of people, struggling to burst their chains and to be free. When we take a little nearer and more detailed view, we perceive that nature has, as it were, ordained that this people and this country shall ultimately constitute several different nations. Leaving the United States on the north, we come to New Spain, or the viceroyalty of Mexico on the south; passing by Guatemala, we reach the viceroyalty of New Grenada, the late captain-generalship of Venezuela, and Guiana, lying on the east side of the Andes. Stepping over the Brazils, we arrive at the United Provinces of La Plata; and crossing the Andes, we find Chili on their west side, and, further north, the viceroyalty of Lima, or Peru. Each of these several parts is sufficient in itself, in point of limits, to constitute a powerful State; and, in point of population, that which has the smallest contains enough to make it respectable. Throughout all the extent of that great portion of the world, which I have attempted thus hastily to describe, the spirit of revolt against the dominion of Spain has manifested itself. The revolution has been attended with various degrees of success in the several parts of Spanish America. In some it has been already crowned, as I shall endeavor to show, with complete success, and in all I am persuaded that independence has struck such deep root, that the power of Spain

can never eradicate it. What are the causes of this great movement?

“In the establishment of the independence of Spanish America, the United States have the deepest interest. I have no hesitation in asserting my firm belief, that there is no question in the foreign policy of this country, which has ever arisen, or which I can conceive as ever occurring, in the decision of which we have had or can have so much at stake. This interest concerns our politics, our commerce, our navigation. There can not be a doubt that Spanish America, once independent, whatever may be the form of the governments established in its several parts, these governments will be animated by an American feeling and guided by an American policy. They will obey the laws of the system of the new world, of which they will compose a part, in contradistinction to that of Europe. Without the influence of that vortex in Europe, the balance of power between its several parts, the preservation of which has so often drenched Europe in blood, America is sufficiently remote to contemplate the new wars which are to afflict that quarter of the globe, as a calm, if not a cold and indifferent spectator. In relation to those wars, the several parts of America will generally stand neutral. And as, during the period when they rage, it will be important that a liberal system of neutrality should be adopted and observed, all America will be interested in maintaining and enforcing such a system. The independence of Spanish America, then, is an interest of primary consideration. Next to that, and highly important in itself, is the consideration of the

nature of their governments. That is a question however, for themselves. They will, no doubt, adopt those kinds of governments which are best suited to their condition, best calculated for their happiness. Anxious as I am that they should be free governments, we have no right to prescribe for them. They are, and ought to be, the sole judges for themselves. I am strongly inclined to believe that they will in most, if not all parts of their country, establish free governments. We are their great example. Of us they constantly speak as of brothers, having a similar origin. They adopt our principles, copy our institutions, and, in many instances, employ the very language and sentiments of our revolutionary papers.

“But it is sometimes said, that they are too ignorant and too superstitious to admit of the existence of free government. This charge of ignorance is often urged by persons themselves actually ignorant of the real condition of that people. I deny the alleged fact of ignorance; I deny the inference from that fact, if it were true, that they want capacity for free government; and I refuse assent to the further conclusion, if the fact were true, and the inference just, that we are to be indifferent to their fate. All the writers of the most established authority, Depons, Humboldt, and others, concur in assigning to the people of Spanish America, great quickness, genius, and particular aptitude for the acquisition of the exact sciences, and others which they have been allowed to cultivate. In astronomy, geology, mineralogy, chemistry, botany, and so forth, they are allowed to make distinguished proficiency. They justly boast of their

Abzate, Velasques, and Gama, and other illustrious contributors to science. They have nine universities, and in the City of Mexico, it is affirmed by Humboldt, that there are more solid scientific establishments than in any city even of North America. I would refer to the message of the supreme director of La Plata, which I shall hereafter have occasion to use for another purpose, as a model of fine composition of a State paper, challenging a comparison with any, the most celebrated, that ever issued from the pens of Jefferson or Madison. Gentlemen will egregiously err, if they form their opinions of the present moral condition of Spanish America, from what it was under the debasing system of Spain. The eight years' revolution in which it has been engaged, has already produced a powerful effect. Education has been attended to, and genius developed. It is the doctrine of thrones, that man is too ignorant to govern himself. Their partizans assert his incapacity, in reference to all nations; if they cannot command universal assent to the proposition, it is then demanded as to particular nations; and our pride and presumption too often make converts of us. I contend, that it is to arraign the dispositions of Providence Himself, to suppose that He has created beings incapable of governing themselves, and to be trampled on by kings. Self-government is the natural government of man, and for proof, I refer to the aborigines of our own land. Were I to speculate in hypotheses unfavorable to human liberty, my speculations should be founded rather upon the vices, refinements, or density of population. Crowded together in compact masses, even

if they were philosophers, the contagion of the passions is communicated and caught, and the effect too often, I admit, is the overthrow of liberty. Dispersed over such an immense space as that on which the people of Spanish America are spread, their physical, and I believe also their moral condition, both favor their liberty."

Although the efforts of Mr. Clay on this occasion were not successful, he accomplished his noble purpose at a later day. In February, 1821, he offered a resolution to the effect, that the American Congress regarded the struggles of the South American republics for the establishment of their liberties with great interest; and suggesting that the President of the United States should recognize the national independence. The motion eventually prevailed; and in March, 1822, the President sent in a message recommending that Congress should then recognize the South American republics as free and independent sovereignties. The suggestion was approved after a full discussion, and passed with but a single dissenting voice. In the accomplishment of this propitious result, the agency of Mr. Clay was prominent and decisive. It was he who had brought it to pass. His exertions in behalf of the Republics of South America were duly appreciated, and their obligations to him were acknowledged by them. The illustrious Bolivar addressed a letter to Mr. Clay, in which he gave expression to the feelings of gratitude and admiration which he and all his compatriots felt for the heroic position which Mr. Clay had taken, and for the honorable results which he had achieved, in

their behalf. and through them, for the cause of universal liberty.

An exciting topic of discussion which arose in Congress during the term of 1819, was a proposition which was introduced to censure the conduct of General Jackson during his campaign in Florida, where he had imposed the most cruel conditions upon the Indians, and had punished some of them with the most unparalleled rigor. Mr. Clay was in favor of the passage of the bill; for although he was willing to excuse the *intentions* of the General as being pure and innocent, his *acts* he stigmatized as outrageous and unjustifiable. Both Houses afterward passed resolutions which contained qualified censures of the extreme measures of the Hero of New Orleans; to which result Mr. Clay effectually contributed.

It was soon after this event, during the session of 1820-21, that the subject of slavery first assumed an important and threatening aspect in the deliberations of the National Legislature. A proposition was then made to admit Missouri into the Union; and the point of controversy was, whether she should be received as a free or as a slave State. When Ohio, Indiana and Illinois were admitted, in which slavery did not then exist, Congress expressly excluded slavery in future from their limits. Missouri was a part of the territory of Louisiana, which had been purchased from France in 1803; and in it slavery already prevailed, and had been long established. The States of Kentucky, Tennessee, Mississippi, and Alabama, had also been received; but as slavery existed in them at the period of their admission,

nothing was said against the continuance of the institution. It was alleged that Missouri was placed precisely in the same situation, and that she should be received on precisely the same conditions, and her domestic institutions be not interfered with. On the other hand it was urged, that Congress possessed the right to impose whatever conditions they chose on new States and Territories; that the evident intention of the Federal Government was not to extend slavery, having prohibited its introduction into new States which were formed, or to be formed, out of the Northwestern Territory; and that slavery was in itself so infamous a thing, that it ought to be crushed and extirpated wherever an opportunity for so doing was presented.

This question was discussed with great zeal; and the excitement respecting it became intense, not merely in Congress but throughout the Union. In 1820 the inhabitants of Missouri proceeded to adopt a Constitution; and in it there was a clause which forbade free negroes and mulattoes from coming into the Territory, or settling in it, on any pretext. This measure tended to increase the existing excitement, and to complicate the difficulty. The discussions in Congress in reference to the admission of Missouri continued to be animated and bitter. On the 10th of February Mr. Clay introduced a resolution with the view to adjust the difficulty, and calm the popular commotion, which had assumed a portentous aspect. This resolution embodied the famous Missouri Compromise. After a full and protracted discussion, it was rejected in a Committee of the Whole, by a vote

of seventy-three to sixty-four. Nevertheless he was not disheartened; and at a subsequent period, on the 25th of the month, the same measure was proposed a second time by Mr. Clay, and supported by the most remarkable displays of his eloquence. His efforts in this instance were successful. The resolution which was thus carried was as follows:

“It is provided that the said State shall never pass any law preventing any description of persons from coming to and settling in the said State, who now are or hereafter may become citizens of any of the States of this Union; and provided also, that the Legislature of the said State, by a solemn public act, shall declare the assent of the said State to the said fundamental condition, and shall transmit to the President of the United States, on or before the fourth Monday in November next, an authentic copy of the said act; upon the receipt whereof, the President, by proclamation, shall announce the fact; whereupon, and without any further proceedings on the part of Congress, the admission of the said State into the Union shall be considered as complete: And provided, further, that nothing herein contained shall be construed to take from the State of Missouri, when admitted into the Union, the exercise of any right or power which can now be constitutionally exercised by any of the original States.”

By obtaining the passage of this law, and the adoption of this famous Compromise, Mr. Clay averted the evils of anarchy and disunion which then threatened the Confederacy in a more imminent and appalling manner than has ever since been the case; and

thereby earned a permanent and potent claim to the gratitude of his countrymen.

After the attainment of this propitious result, Mr. Clay determined to retire for a time from the public councils of the nation. His private affairs had become embarrassed, by endorsing largely for a friend; and it became necessary for him to retrieve his pecuniary fortunes by devotion to his professional pursuits. Accordingly he withdrew from the public service in 1821, and remained in Kentucky during nearly three years. In the summer of 1823 he accepted a renomination to Congress, and was elected almost without opposition. During the period of his retirement he had been industriously engaged in the practice of the law, until he was arrested by ill health. During the early part of 1823 he became so much reduced that his life was despaired of, and he himself anticipated death. He visited the Olympian Springs, in Kentucky; but notwithstanding this expedient, and the best medical treatment, he declined still more. When chosen to represent his old constituents in Congress in 1823, he scarcely expected to live to assume the duties of his post. Nevertheless he journeyed by slow stages to Washington; and that journey, part of which he purposely made on foot, exerted a magic effect upon his constitution, and restored him to his usual vigor and health. At the opening of the first session of the Eighteenth Congress in December, 1823, he was again elected Speaker on the first ballot.

CHAPTER VI.

RECOGNITION OF THE FREEDOM OF GREECE—THE SUBJECT OF PROTECTION OF AMERICAN INDUSTRY—MR. CLAY'S SPEECH RESPECTING IT—VISIT OF LAFAYETTE TO U. S.—IS RECEIVED BY MR. CLAY IN THE HOUSE OF REPRESENTATIVES—PRESIDENTIAL CAMPAIGN OF 1824—RIVAL CANDIDATES—MR. ADAMS ELECTED PRESIDENT—MR. CLAY APPOINTED SECRETARY OF STATE—CHARGE OF "BARGAIN AND SALE"—ITS FALSEHOOD AND MALIGNITY—MR. CLAY'S SELF-VINDICATION.

DURING the winter term of 1824 of Congress, Mr. Clay took an active part in inducing the Government of the United States to recognize the freedom of Greece, and to send thither a commissioner instructed to express the sympathy of this nation with the Greeks, in the heroic struggles which they were then making against the debasing tyranny of the Turks. Daniel Webster introduced the resolution to that effect; Mr. Clay advocated it with unrivalled eloquence. Nevertheless, the measure was not then adopted, in consequence of prudential reasons; but Mr. Clay consummated his hopes on this subject at a subsequent period, while Secretary of State.

In January, 1824, the subject of American industry, and the protection of American manufactures, occupied the attention of Congress. Mr. Clay took a prominent part in the discussion, and on the 30th. of March delivered his celebrated oration on the sub-

ject, which is justly regarded as a master-piece of eloquence and argument. In the exordium he depicted with thrilling power the then desperate condition of the country, and afterward proceeded to discuss the causes which produced it, and the remedies which alone could cure the evil. In this debate Mr. Webster exerted his utmost to overthrow the positions defended by Mr. Clay, who replied to the profound arguments of that statesman with ability equal to his own; and on no occasion during the progress of their eventful lives, were the remarkable and very dissimilar talents of these great men more prominently drawn out, or exhibited in clearer and more striking contrast. The tariff bill which Mr. Clay advocated passed the House on the 16th of April, 1824, and soon afterward obtained all the necessary sanctions of law.

In August, 1824, General Lafayette visited the United States, and was received by Congress. It became the duty of Mr. Clay, as Speaker of the House, to address the illustrious visitor; which he did with great appropriateness and success. The General retained through life a grateful remembrance of the agency of Mr. Clay on that occasion, and of the ability with which he discharged the function assigned him. His subsequent sentiments toward Mr. Clay may be inferred from the fact that, in 1832, he declared to an officer of the United States Navy who was his guest, when pointing to a portrait of Mr. Clay: "That is the man whom I hope to see President of the United States."

Mr. Clay felt it his duty to differ from President Monroe on many important questions of public policy;

yet the feelings which existed between them were the most friendly. Mr. Clay was offered a seat in the Cabinet, and the liberty to select all the foreign appointments. But he declined the offer, being more desirous to serve his country in the less distinguished and more difficult post which he then occupied.

The Presidential campaign of 1824 was one of great excitement and virulence. Mr. Clay had been nominated by a meeting of the members of the Legislature of Kentucky, as a suitable person to succeed Mr. Monroe as President of the United States; and that event placed him in a prominent position as a candidate before the country. The proposal was endorsed by similar recommendations in Missouri, Louisiana, and Ohio, which increased its importance. The rival candidates for that high post were John Quincy Adams, of Massachusetts, William H. Crawford, of Georgia, and Andrew Jackson, of Tennessee. It soon became evident that the election would not be made by the people, but that, according to the provisions of the Constitution, it would pass into the House of Representatives. It soon became evident, also, that in consequence of the relative strength of the four candidates already named, the ultimate power of determining who should be chosen, would fall into the hands of Mr. Clay's electors, which was equivalent to placing it in his own. His conduct and preferences under these delicate and critical circumstances, assumed the highest importance, and attracted the closest scrutiny. Until this date Mr. Clay had been recognized by the nation as a Jeffersonian Democrat. Mr. Adams was well known as a Whig and Federal-

ist; General Jackson as a staunch and ultra Democrat; Mr. Crawford's extreme ill health rendered him almost a nominal candidate, and unfit for the performance of the duties of the office, to which he had been named chiefly as a testimony of appreciation of his previous and valuable services to the country.

Mr. Clay had never been an admirer of the hero of New Orleans, and entertained serious apprehensions as to the soundness of his views, and the safety and wisdom of his policy in public affairs. Yet as both were Democrats, it was confidently anticipated by the nation at large, that ultimately Mr. Clay would be constrained to accord him his support, and place him in the Presidential chair. Soon indications began to be apparent, that such an expectation would be disappointed; and the first note of alarm at his threatened disaffection to the party with which he had previously acted, was a letter which appeared in the "Columbian Observer," a party paper then published in Philadelphia, in which it was boldly charged that Mr. Clay was about to sell himself for office to the successful candidate, whoever that might be. The implication was, that Mr. Adams and Mr. Clay had formed a compact, by which the votes of the partisans of the latter were to be given for Mr. Adams. The authorship of this letter was afterward acknowledged by Mr. George Kremer, an obscure representative from Pennsylvania. Afterward, when Mr. Adams was elected President, and Mr. Clay was appointed by him Secretary of State, the evidence seemed to be conclusive, that there was some truth in the charge;

and thus began the malignant and groundless imputation of "bargain and sale" which afterward haunted the ears of Mr. Clay through the remainder of his life, and became the most effective weapon in the hands of his enemies, in thwarting his upward pathway to the highest office in the nation.

Even at that period, so loud was the clamor raised in reference to this infamous charge, in support of which not the slightest proof was ever adduced, that Mr. Clay was compelled to call the attention of the House to the matter, and he demanded an investigation in reference to it. A committee was therefore appointed in February, 1825, composed of the leading members of the House. Mr. Kremer was summoned before them, for the purpose of furnishing proofs in support of the charge which he had preferred against Mr. Clay. Previous to this summons, Mr. Kremer had boldly declared his readiness and ability to furnish conclusive proofs of the truth of the allegations which he had made; when, however, he was required by the committee to fulfil his promises and pretensions, he evaded them by declaring that he could not appear before the committee, except either as an accuser or a witness, neither of which characters he was willing to assume. The committee reported to this effect, and thus the official aspects of the proceeding terminated. But so deep an impression was subsequently produced upon the public mind by Mr. Clay's presence in the cabinet of Mr. Adams, that the calumny obtained the credence of a large portion of the community. That it *was* a calumny is evident from two conclusive reasons: Mr. Adams, as

well as Mr. Clay, both denied the truth of the charge subsequently in the most solemn manner; and not the slightest proof was ever adduced to sustain it, either by Kremer, or by any of his most desperate and malignant confederates.

On the 12th of July, 1827, Mr. Clay visited Kentucky, while still Secretary of State under Mr. Adams. He addressed large assemblages of his former constituents; and at a public dinner embraced a favorable opportunity to advert at length to the oft-repeated and loudly-asserted charge of corruption, in reference to this subject. In the progress of his remarks on that occasion, he thus expressed himself:

“In February, 1825, it was my duty, as the representative of this district, to vote for some one of the three candidates for the Presidency who were returned to the House of Representatives. It has been established, and can be further proved, that, before I left this State the preceding fall, I communicated to several gentlemen of the highest respectability, my fixed determination not to vote for General Jackson. The friends of Mr. Crawford asserted to the last, that the condition of his health was such as to enable him to administer the duties of the office. I thought otherwise, after I reached Washington city, and visited him to satisfy myself; and thought that physical impediment, if there were no other objections, ought to prevent his election. Although the delegations from four States voted for him, and his pretensions were zealously pressed to the very last moment, it has been of late asserted, and I believe by some of the very persons who then warmly espoused his cause, that

his incompetency was so palpable as clearly to limit the choice to two of the three returned candidates. In my view of my duty, there was no alternative but that which I embraced. That I had some objections to Mr. Adams, I am ready freely to admit; but these did not weigh a feather in comparison with the greater and insurmountable objections, long and deliberately entertained against his competitor. I take this occasion, with great satisfaction, to state, that my objections to Mr. Adams arose chiefly from apprehensions which have not been realized. I have found him, at the head of the government, able, enlightened, patient of investigation, and ever ready to receive with respect, and, when approved by his judgment, to act upon the counsels of his official advisers. I add, with unmingled pleasure, that, from the commencement of the government, with the exception of Mr. Jefferson's administration, no chief magistrate has found the members of his Cabinet so united on all public measures, and so cordial and friendly in all their intercourse, private and official, as these are of the present President.

“Had I voted for General Jackson, in opposition to the well-known opinions which I entertained of him, one-tenth part of the ingenuity and zeal which have been employed to excite prejudices against me, would have held me up to universal contempt; and what would have been worse, *I* should have *felt* that I really deserved it.

“Before the election, an attempt was made, by an abusive letter, published in the *Columbian Observer*, at Philadelphia, a paper which, as has since trans-

pired, was sustained by Mr. Senator Eaton, the colleague, the friend, and the biographer of General Jackson, to assail my motives, and to deter me in the exercise of my duty. This letter being avowed by Mr. George Kremer, I instantly demanded from the House of Representatives an investigation. A committee was accordingly, on the 5th day of February, 1825, appointed in the rare mode of balloting by the House, instead of by selection of the Speaker. It was composed of some of the leading members of that body, not one of whom was my political friend in the preceding Presidential canvass. Although Mr. Kremer, in addressing the House, had declared his willingness to bring forward his proofs, and his readiness to abide the issue of the inquiry, his fears, or other counsels than his own, prevailed upon him to take refuge in a miserable subterfuge. Of all possible periods, that was the most fitting to substantiate the charge, if it was true. Every circumstance was then fresh; the witnesses all living and present; the election not yet complete; and therefore the imputed corrupt bargain not fulfilled. All these powerful considerations had no weight with the conspirators and their accessories, and they meanly shrunk from even an attempt to prove their charge, for the best of all possible reasons — because, being false and fabricated, they could adduce no proof which was not false and fabricated.

“During two years and a half which have now intervened, a portion of the press devoted to the cause of General Jackson, has been teeming with the vilest calumnies against me; and the charge, under every

chameleon form, has been a thousand times repeated. Up to this time, I have in vain invited investigation, and demanded evidence. None, not a particle, has been adduced.

“The extraordinary ground has been taken, that the accusers were not bound to establish by proof the guilt of their designated victim. In a civilized, Christian, and free community, the monstrous principle has been assumed, that accusation and conviction are synonymous; and that the persons who deliberately bring forward an atrocious charge are exempt from all obligations to substantiate it! And the pretext is, that the crime, being of a political nature, is shrouded in darkness, and incapable of being substantiated. But is there any real difference, in this respect, between political and other offences? Do not all the perpetrators of crime endeavor to conceal their guilt, and to elude detection? If the accuser of a political offence is absolved from the duty of supporting his accusation, every other accuser of offence stands equally absolved. Such a principle, practically carried into society, would subvert all harmony, peace, and tranquillity. None — no age, nor sex, nor profession, nor calling, would be safe against its baleful and overwhelming influence. It would amount to a universal license to universal calumny!

“No one has ever contended that the proof should be exclusively that of eye-witnesses, testifying from their senses positively and directly to the fact. Political, like other offences, may be established by circumstantial as well as positive evidence. But I do contend, that *some* evidence, be it what it may, ought

to be exhibited. If there be none, how do the accusers know that an offence has been perpetrated? If they do know it, let us have the *fact* on which their conviction is based. I will not even assert, that, in public affairs, a citizen has not a right freely to express his *opinions* of public men, and to speculate upon the motives of their conduct. But if he chooses to promulgate opinions, let them be given as *opinions*. The public will correctly judge of their value, and their grounds. No one has a right to put forth a positive assertion, that a political offence has been committed, unless he stands prepared to sustain, by satisfactory proof of some kind, its actual existence.

“If he who exhibits a charge of political crime is, from its very nature, disabled to establish it, how much more difficult is the condition of the accused? How can he exhibit negative proof of his innocence, if no affirmative proof of his guilt is, or can be, adduced?

“It must have been a conviction that the justice of the public required a definite charge, by a responsible accuser, that has, at last, extorted from General Jackson his letter of the 6th of June, lately published. I approach that letter with great reluctance, not on my own account, for on that, I do most heartily and sincerely rejoice that it has made its appearance. But it is reluctance excited by the feelings of respect which I would anxiously have cultivated towards its author. He has, however, by that letter, created such relations between us, that, in any language which I may employ, in examining its con-

tents, I feel myself bound by no other obligations than those which belong to truth, to public decorum, and to myself.

“The first consideration which must, on the perusal of the letter, force itself upon every reflecting mind, is that which arises out of the delicate posture in which General Jackson stands before the American public. He is a candidate for the Presidency, avowed and proclaimed. He has no competitor at present, and there is no probability of his having any, but one. The charges which he has allowed himself to be the organ of communicating to the very public who is to decide the question of the Presidency, though directly aimed at me, necessarily implicate his only competitor. Mr. Adams and myself are both guilty, or we are both innocent of the imputed arrangement between us. *His* innocence is absolutely irreconcilable with *my* guilt. If General Jackson, therefore, can establish my guilt, and, by inference, or by insinuation, that of his sole rival, he will have removed a great obstacle to the consummation of the object of his ambition. And if he can, at the same time, make out his own purity of conduct, and impress the American people with the belief that his purity and integrity alone prevented his success before the House of Representatives, his claims will become absolutely irresistible. Were there ever more powerful motives to propagate—was there ever greater interest, at all hazards, to prove the truth of charges?

“The issue is fairly joined. The imputed offence does not comprehend a single friend, but the collective body of my friends in Congress; and it ac-

cuses them of offering, and me with sanctioning, corrupt *propositions*, derogating from honor, and in violation of the most sacred of duties. The charge has been made after two years' deliberation. General Jackson has voluntarily taken his position, and without provocation. In voting against him as President of the United States, I gave him no just cause of offence. I exercised no more than my indisputable privilege, as, on a subsequent occasion, of which I have never complained, he exercised his in voting against me as Secretary of State. Had I voted for him, I must have gone counter to every fixed principle of my public life. I believed him incompetent, and his election fraught with danger. At this early period of the Republic, keeping steadily in view the dangers which had overturned every other free State, I believed it to be essential to the lasting preservation of our liberties, that a man, devoid of civil talents, and offering no recommendation but one founded on military service, should not be selected to administer the government. I believe so yet; and I shall consider the days of the Commonwealth numbered when an opposite principle is established." *

* The same sentiments were expressed by Mr. Clay, and the same reasons were assigned by him, for his conduct on the memorable occasion referred to, in the following letter addressed by him to his friend, Judge Brooke:

“WASHINGTON, 25th January, 1825.

MY DEAR SIR:—My position, in relation to the Presidential contest, is highly critical, and such as to leave me no path on which I can move without censure. I have pursued, in regard to it, the rule which I always observe in the discharge of my public duty. I have interrogated my conscience as to what I ought to

do, and that faithful guide tells me that I ought to vote for Mr Adams. I shall fulfil its injunctions. Mr. Crawford's state of health, and the circumstances under which he presents himself to the House, appear to me to be conclusive against him. As a friend to liberty, and to the permanence of our institutions, I cannot consent, in this early stage of their existence, by contributing to the election of a military chieftain, to give the strongest guarantee that this Republic will march in the fatal road which has conducted every other republic to ruin. I owe to your friendship this frank exposition of my intentions. I am, and shall continue to be, assailed by all the abuse which partizan zeal, malignity, and rivalry, can invent. I shall view, without emotion, these effusions of malice, and remain unshaken in my purpose. What is a public man worth, if he will not expose himself, on fit occasions, for the good of his country?

"As to the result of the election, I cannot speak with absolute certainty; but there is every reason to believe that we shall avoid the dangerous precedent to which I allude.

H. CLAY.

The Hon. F. BROOKE."

CHAPTER VII.

MR. CLAY AS SECRETARY OF STATE — HIS OFFICIAL ACTIVITY — GENERAL JACKSON REVIVES THE CHARGE OF BARGAIN AND SALE — UNPOPULARITY OF THE ADAMS ADMINISTRATION — JOHN RANDOLPH — HIS ASSAULT ON MR. CLAY — DUEL BETWEEN CLAY AND RANDOLPH — ITS INCIDENTS AND RESULT — ELECTION OF GENERAL JACKSON TO THE PRESIDENCY — RETURN OF MR. CLAY TO KENTUCKY — MALIGNITY AND PERSECUTION OF HIS ENEMIES — HIS RE-ELECTION TO THE UNITED STATES SENATE — IS NOMINATED FOR THE PRESIDENCY.

MR. CLAY entered upon the performance of his important duties, as Secretary of State, on March 5th, 1825. His term of service was characterized chiefly by two things — the ability with which he performed the functions of his office, and the malignity with which he was pursued by his political and personal enemies, with the repeated charge of “bargain and sale” in reference to the election of Mr. Adams. As Secretary of State, his superior diplomatic capacities were repeatedly and clearly evinced. The number of treaties negotiated and concluded by him during four years, exceeded the whole number that had been consummated by the United States Government, during the thirty-five preceding years which had elapsed since the adoption of the Federal Constitution. Prominent among these were compacts made with Prussia, Denmark, Austria, Russia, Columbia,

and Great Britain. The claims of American citizens on foreign governments were all adjusted; and the political and commercial relations of the United States with the various countries of Europe and South America were arranged in a satisfactory and commendable manner. His superior tact, penetration and skill in managing the intricate and difficult details of diplomatic affairs, were pre-eminent, and elicited the applause of the representatives of foreign powers with whom he thus came officially in contact. His letter of instructions to the American Commissioner to the Congress composed of delegates from the Republics of Central America, which was to have convened at Panama, was a State paper of remarkable ability; as was also his letter to the American Minister at St. Petersburg, in reference to the interposition of the Russian Government in terminating the contest then existing between Spain and her colonies.

But if thus honored in one department of his public character and service, Mr. Clay was overshadowed at this period by a cloud of opprobrium and detraction in another. In June, 1827, General Jackson addressed a letter to Mr. Carter Beverly, from his residence in Tennessee, repeating the charge of corruption against Mr. Clay, and asserting that, previous to the election of Mr. Adams to the Presidency, the friends of Mr. Clay had tendered him their support, on condition that Mr. Clay should receive the first seat in the Cabinet. The following extract from this memorable letter, will explain the nature of the

accusation as presented on the part of General Jackson :

“I will repeat, again, the occurrence, and to which my reply to you must have conformed, and from which, if there has been any variation, you can correct it. It is this: Early in January, 1825, a member of Congress, of high respectability, visited me one morning, and observed, that he had a communication he was desirous to make to me; that he was informed there was a great intrigue going on, and that it was right I should be informed of it; that he came as a friend, and let me receive the communication as I might, the friendly motives through which it was made he hoped would prevent any change of friendship or feeling in regard to him. To which I replied, from his high standing as a gentleman and member of Congress, and from his uniform friendly and gentlemanly conduct toward myself, I could not suppose he would make any communication to me, which he supposed was improper. Therefore, his motives being pure, let me think as I might of the communication, my feelings toward him would remain unaltered. The gentleman proceeded: He said he had been informed by the friends of Mr. Clay, that the friends of Mr. Adams had made overtures to them, saying, if Mr. Clay and his friends would unite in aid of Mr. Adams's election, Mr. Clay should be Secretary of State; that the friends of Mr. Adams were urging, as a reason to induce the friends of Mr. Clay to accede to their proposition, that if I were elected President, Mr. Adams would be continued Secretary of State (inuendo, there would be no room for Kentucky);

that the friends of Mr. Clay stated, the west did not wish to separate from the west, and if I would say, or permit any of my confidential friends to say, that in case I were elected President, Mr. Adams should not be continued Secretary of State, by a complete union of Mr. Clay and his friends, they would put an end to the Presidential contest in one hour. And he was of opinion it was right to fight such intriguers with their own weapons. To which, in substance, I replied—that in politics, as in everything else, my guide was principle; and contrary to the expressed and unbiased will of the people, I never would step into the Presidential chair; and requested him to say to Mr. Clay and his friends (for I did suppose he had come from Mr. Clay, although he used the term of ‘Mr. Clay’s friends’), that before I would reach the Presidential chair by such means of bargain and corruption, I would see the earth open and swallow both Mr. Clay and his friends and myself with them. If they had not confidence in me to believe, if I were elected, that I would call to my aid in the Cabinet men of the first virtue, talent, and integrity, not to vote for me. The second day after this communication and reply, it was announced in the newspapers, that Mr. Clay had come out openly and avowedly in favor of Mr. Adams. It may be proper to observe, that, on the supposition that Mr. Clay was not privy to the proposition stated, I may have done injustice to him. If so, the gentleman informing me can explain.”

The person alluded to by the writer of the preceding letter, as having been the agent and spokesman of

Mr. Clay and his friends, was the Hon. James Buchanan. Being thus dragged into the controversy, Mr. Buchanan made a public statement of his connection with the matter; asserting that he had called on General Jackson and spoken to him in reference to this subject; that he informed the General, that a rumor prevailed that he would retain Mr. Adams as Secretary of State if he were elected President; that such a rumor was operating injuriously to his interests; that he called upon him as *his* friend, to obtain a denial of the fact from him; that he (Mr. Buchanan) had never been the personal or political friend of Mr. Clay; and that he not only had no authority from Mr. Clay to make any proposition whatever to General Jackson, but that he had no idea that the General ever entertained the impression that he was deputed by Mr. Clay for that purpose.

No evidence was ever adduced to *prove* that the friends of Mr. Clay had made overtures to the partisans either of Mr. Adams or of General Jackson; much less, that Mr. Clay was himself privy to any such overtures, if they had been made; while Mr. Adams, on his side, expressly denied the charge, as far as it referred to him, in the most positive manner, and in the following language:

“Upon him (Mr. Clay) the foulest slanders have been showered. Long known and appreciated, as successively a member of both Houses of your National Legislature, as the unrivaled speaker, and, at the same time, most efficient leader of debates in one of them; as an able and successful negotiator for your interests in war and peace with foreign powers,

and as a powerful candidate for the highest of your trusts — the Department of State itself was a station, *which, by its bestowal, could confer neither profit nor honor upon him*, but upon which he has shed unfading honor, by the manner in which he has discharged its duties. Prejudice and passion have charged him with obtaining that office by bargain and corruption. *Before you, my fellow-citizens, in the presence of our country and Heaven, I pronounce that charge totally unfounded.* This tribute of justice is due from me to him, and I seize, with pleasure, the opportunity afforded me by your letter, of discharging the obligation."

The administration of Mr. Adams was assailed during its entire progress with the most extraordinary bitterness and hostility. Various causes led to this result, which need not here be detailed. Prominent among the statesmen who were inimical to the measures which the President and his Cabinet commended and approved, was John Randolph of Virginia. The spirit which characterized his speeches at this period, will appear from the following remarkable extract from one of them, referring to Mr. Adams:

"Who made him a judge of our usages? Who constituted him? He has been a professor, I understand. I wish he had left off the pedagogue when he got into the Executive chair. Who made him the *censor morum* of this body? Will any one answer this question? Yes or no? Who? Name the person. Above all, who made him the searcher of hearts, and gave him the right, by an innendo black as hell, to blacken our motives? Blacken our motives! I did not say

that then. I was more under self-command; I did not use such strong language. I said, if he could borrow the eye of Omniscience himself, and look into every bosom here; if he could look into that most awful, calamitous, and tremendous of all possible gulfs, the naked unveiled human heart, stripped of all its covering of self-love, exposed naked, as to the eye of God — I said if he could do that, he was not, as President of the United States, entitled to pass upon our motives, although he saw and knew them to be bad. I said, if he had converted us to the Catholic religion, and was our father confessor, and every man in this House at the footstool of the confessional had confessed a bad motive to him by the laws of his church, as by this Constitution, above the law and above the church, he, as President of the United States, could not pass on our motives, though we had told him with our own lips our motives, and confessed they were bad. I said this then, and I say it now. Here I plant my foot; here I fling defiance right into his teeth before the American people: here I throw the gauntlet to him and the bravest of his compeers, to come forward and defend these miserable lives: ‘Involving a departure, hitherto, so far as I am informed, without example, from that usage, and upon the motives for which, not being informed of them, I do not feel myself competent to decide.’ Amiable modesty! I wonder we did not, all at once, fall in love with him, and agree *una voce* to publish our proceedings, except myself, for I quitted the Senate ten minutes before the vote was taken. I saw what was to follow; I knew the thing would not be done at all,

or would be done unanimously. Therefore, in spite of the remonstrances of friends, I went away, not fearing that any one would doubt what my vote would have been, if I had staid. After twenty-six hours' exertion, it was time to give in. I was defeated, horse, foot, and dragoons — cut up, and clean broke down by the coalition of Bliffl and Black George — *by the combination, unheard of till then, of the puritan with the blackleg.*"

The last expression contained in this speech, which applied the epithet of "puritan" to Mr. Adams, and that of "blackleg" to the Secretary of State,—thereby alluding to the prevalent report that Mr. Clay was addicted to the gaming-table,—led to the memorable duel which took place between him and the representative from Roanoke. These two celebrated men had been born within a few miles of each other—Mr. Clay on the low marshes of Hanover, Mr. Randolph on the high bluffs of the Appomattox. Their characters were as different as their positions and careers in life; the one genial, eloquent, graceful; the other, sarcastic, repulsive, and hated by all, save his few personal friends, with whom he came in contact. Each was the acknowledged champion of a great party, which fact gave greater significance and importance to their conduct. After the utterance of the insult contained in his last speech, Mr. Clay demanded an apology from his antagonist, which was refused. Mr. Clay then placed a challenge in the hands of his friend, General Jessup, to be conveyed to Mr. Randolph. The General and Colonel Tattnall, the friend of Mr. Randolph, agreed to suspend the delivery of

the hostile message, with the hope that some explanation or accommodation might be effected between the parties. Jessup stated that the injury of which Mr. Clay complained was two-fold; that he had charged him with having forged or manufactured a paper connected with the Panama Mission, and that he had applied to him the opprobrious epithet of "blackleg." Jessup demanded that Mr. Randolph should declare that he had no intention of charging Mr. Clay with falsifying any paper or mis-stating any fact whatever; and that the word "blackleg," as used by Mr. Randolph, was intended to apply to some other individual.

Mr. Tattnell communicated this demand to Mr. Randolph. His reply was as follows, and at once put an end to all prospect of accommodation:

"I have gone as far as I could in waiving my privilege to accept a peremptory challenge from a minister of the Executive Government, under any circumstances, and especially under such circumstances. The words used by me were, that I thought it would be in my power to show evidence, sufficiently presumptive to satisfy a Charlotte jury, that this invitation was "manufactured" here—that Salagar's letter struck me as being a strong likeness in point of style, &c., to the other papers. I did not undertake to *prove* this, but expressed my suspicion that the fact was so. I applied to the Administration the epithet, "puritanic, diplomatic, blacklegged Administration."

"I have no explanations to give—I will not give any—I am called to the field—I have agreed to go and am ready to go."

The seconds proceeded to make the necessary pre-

parations. During the night preceding the duel, Mr. Randolph was found by his friend James Hamilton, in a calm and kindly humor. He communicated to General Hamilton the determination which he had adopted, not to return Mr. Clay's fire: "Nothing shall induce me to harm a hair of his head. I will not make his wife a widow, and his children orphans. Their tears would be shed over his grave; but when the sod of Virginia rests on my bosom, there is not in this wide world one individual to pay this tribute upon mine." Tears then began to flow from those basilisk eyes, so long unused to the melting mood. Hamilton replied that such a resolution was extraordinary, and that it amounted in substance to a determination on his part to go to the field with an intention to throw his life away. No appeals, however, could induce him then to alter his purpose; but at a subsequent hour of the night, when Gen. Hamilton called upon him again, in company with Col. Tammall, they found him reading Milton's *Paradise Lost*; upon the beauties of which he dwelt with his usual discrimination and sagacity. At length he adverted to his intention not to return Mr. Clay's fire. His friends once more expostulated with him upon such a purpose of self-sacrifice; and at length he modified his design by saying: "Well, I promise you one thing; if I see the devil in Clay's eye, and that with malice prepense he means to take my life, I will change my mind."

During the interval which preceded the duel, Mr. Clay adjusted his private affairs, but carefully kept the approaching interview concealed from his family. The combatants met the next day at four o'clock, or

the banks of the Potomac. The sun was just declining in mellowed beauty behind the blue hills of Virginia, when these two men, among the most remarkable and gifted of her children, met apparently in mortal conflict. Both seemed to be calm and self-possessed, in the near view of possible death which they both entertained. Randolph again repeated to Gen. Hamilton his determination not to return Mr. Clay's fire. He well knew that he was one of the best shots of the day, and that Clay's life was in his hands. When taking their respective positions, and in handling the weapon assigned him, Mr. Randolph accidentally sprang the trigger, with the muzzle of the pistol down. General Jessup instantly exclaimed, that if that incident occurred again he would instantly leave the ground. Mr. Clay replied that it was doubtless an accident, and begged that the gentlemen would proceed. The positions were again taken, the word was given, Mr. Clay fired, missing his adversary, and Mr. Randolph then discharged his pistol in the air. As soon as Mr. Clay perceived this act of Randolph, he instantly approached the latter, and exclaimed: "I trust in God, my dear sir, that you are unhurt; after what has occurred, I would not have harmed you for a thousand worlds." Thus ended this famous duel; presenting on both sides, and in the conduct of each of these remarkable men, that combination of absurdity and contradiction of principle and action, in which the so-called code of honor inevitably involves even the most gifted and eminent of those who practise its usages, and defer to its authority.

The last interview which ever took place between

Messrs. Clay and Randolph occurred in March, 1833 a short time before the death of the latter. He was then on his way to Philadelphia, where he afterward expired. The Senate was holding a night session, and Mr. Clay was speaking when Randolph was carried into the Senate Chamber, and placed in a chair. "Hold me up," said he to his attendants; "*I have come to hear that voice.*" When Mr. Clay concluded his remarks, he approached Mr. Randolph, and they cordially saluted each other. Such was the termination of an acquaintance which had continued during the quarter of a century, and which had been to each party the source of the utmost bitterness, anxiety, and malignity, during the greater portion of its duration.

In the autumn of 1828 the general election took place, which resulted in the elevation of Andrew Jackson to the Presidency. John C. Calhoun was chosen Vice-President. With the conclusion of the administration of John Quincy Adams, Mr. Clay's official duties terminated. The triumph of the Democratic party in the person of the Hero of New Orleans, and his immense popularity with the nation, tended to increase the odium which had already been accumulated on the head of Mr. Clay, as his ablest opponent, in consequence of the charges of corruption which had previously been urged against him. The latter at once prepared to remove his family to Kentucky. Previous to his departure from Washington, a number of his friends invited him to a public dinner; on which occasion he delivered a speech in which he vindicated himself from the slanders and

charges of his enemies, and stated his opinions of public affairs. Said he :

“ I should be glad to feel that I could with any propriety abstain from any allusion, at this time and at this place, to public affairs. But considering the occasion which has brought us together, the events which have preceded it, and the influence which they may exert upon the destinies of our country, my silence might be misinterpreted, and I think it therefore proper that I should embrace this first public opportunity which I have had of saying a few words, since the termination of the late memorable and embittered contest. It is far from my wish to continue or to revive the agitation with which that contest was attended. It is ended, for good or for evil. The nation wants repose. A majority of the people has decided, and from their decision there can and ought to be no appeal. Bowing, as I do, with profound respect to them, and to this exercise of their sovereign authority, I may nevertheless be allowed to retain and to express my own unchanged sentiments, even if they should not be in perfect coincidence with theirs. It is a source of high gratification to me to believe that I share these sentiments in common with more than half-a-million of freemen, possessing a degree of virtue, of intelligence, of religion, and of genuine patriotism, which, without disparagement to others, is unsurpassed, in the same number of men in this or any other country, in this or any other age.

“ I deprecated the election of the present President of the United States, because I believed he had neither the temper, the experience, nor the attainments

requisite to discharge the complicated and arduous duties of chief magistrate. I deprecated it still more, because his elevation, I believe, would be the result exclusively of admiration and gratitude for military service, without regard to indispensable civil qualifications. I can neither retract, nor alter, nor modify any opinion which, on these subjects, I have at any time heretofore expressed. I thought I beheld in his election an awful foreboding of the fate which, at some future (I pray to God that, if it ever arrive, it may be some far distant) day was to befall this infant republic. All past history has impressed on my mind this so ominous apprehension. Nor is it effaced or weakened by contemporaneous events passing upon our own favored continent. It is remarkable that, at this epoch, at the head of eight of the nine independent governments established in both Americas, military officers have been placed, or have placed themselves. General Lavalle has, by military force, subverted the republic of La Plata. General Santa Cruz is the chief magistrate of Bolivia; Colonel Pinto of Chili; General Lamar of Peru, and General Bolivar of Colombia. Central America, rent in pieces, and bleeding at every pore from wounds inflicted by contending military factions, is under the alternate sway of their chiefs. In the government of our nearest neighbor, an election, conducted according to all the requirements of their Constitution, has terminated with a majority of the State in favor of Pedrazza, the civil candidate. An insurrection was raised in behalf of his military rival; the cry, not exactly of a bargain, but of corruption, was sounded;

the election was annulled, and a reform effected by proclaiming General Guerrero, having only a minority of the States, duly elected President. The thunders from the surrounding forts, and the acclamations of the assembled multitude, on the fourth, told us what General was at the head of our affairs. It is true, and in this respect we are happier than some of the American States, that his election has not been brought about by military violence. The forms of the Constitution have yet remained inviolate. In re-asserting the opinions which I hold, nothing is further from my purpose than to treat with the slightest disrespect those of my fellow-citizens, here or elsewhere, who may entertain opposite sentiments. The fact of claiming and exercising the free and independent expression of the dictates of my own deliberate judgment, affords the strongest guarantee of my full recognition of their corresponding privilege. A majority of my fellow-citizens, it would seem, do not perceive the dangers which I apprehended from the example. Believing that they are not real, or that we have some security against their effect, which ancient and modern republics have not found, that majority, in the exercise of their incontestable right of suffrage, have chosen for chief magistrate a citizen who brings into that high trust no qualification other than military triumph."

This was the darkest period of Mr. Clay's career—the crisis when the malignity of his triumphant enemies flooded the country with calumnies of every description against him, and endeavored to crush him beneath the weight of their detractions. Neverthe-

less, his former constituents in Kentucky continued to regard him with the same admiration and partiality. He remained in retirement nearly three years, engaged in the duties of his profession. He duly appreciated the firmness with which the inhabitants of Kentucky adhered to him through evil as well as through good report, and thus expressed himself on the subject on a public occasion :

“When I felt as if I should sink beneath the storm of abuse and detraction which was violently raging around me, I have found myself upheld and sustained by your encouraging voice and your approving smiles. I have, doubtless, committed many faults and indiscretions, over which you have thrown the broad mantle of your charity. But I can say, and in the presence of my God and of this assembled multitude I will say, that I have honestly and faithfully served my country; that I have never wronged it; and that, however unprepared I lament that I am, to appear in the Divine Presence on other accounts, I invoke the stern justice of His judgment on my public conduct, without the smallest apprehension of His displeasure.”

During the period of his retirement Mr. Clay visited New Orleans, Columbus, Cincinnati, and other places in the South and West, where his friends complimented him with public receptions. At length, in the autumn of 1831, he was recalled to public life by being again chosen by the Legislature of Kentucky, to represent that Commonwealth in the Senate of the United States. He accordingly resumed his seat in that body, at the opening of the first session

of the Twenty-second Congress. It was about the same period that he was nominated for the Presidency by the National Republican Convention, which convened at Baltimore in December, 1821. John Sergeant of Pennsylvania was proposed by that assembly for the office of Vice-president. The result of the conflict which ensued was the election of General Jackson to a second term of the chief magistracy.

CHAPTER VIII.

THE TARIFF OF 1832 — MR. CLAY'S BILL — HIS ARGUMENT IN DEFENCE OF IT — DISCONTENT IN SOUTH CAROLINA — THE PROCLAMATION OF PRESIDENT JACKSON—COUNTER PROCLAMATION OF GOVERNOR HAYNE — MR. CLAY'S COMPROMISE BILL — HIS ARGUMENT IN SUPPORT OF IT — MR. WEBSTER'S OPPOSITION—ITS FINAL PASSAGE—PEACE OF THE UNION PRESERVED — MR. CLAY'S JOURNEY THROUGH THE NORTHERN AND EASTERN STATES — EXHIBITIONS OF POPULAR ENTHUSIASM — HIS RETURN TO WASHINGTON.

THE subject of the Tariff was the most important which engaged the attention of Congress in the session of 1831-32. South Carolina had already at that period commenced to exhibit a spirit of discontent, and of insubordination to the revenue laws of the United States, which afterward culminated in the most serious results. For the purpose of producing harmony, Mr. Clay introduced a resolution in the Senate on the 9th of January, 1832, providing for the abolition of the existing duties upon articles imported from foreign countries, not coming into competition with similar articles made or produced in the United States, except the duties on wines and silks, and that these ought to be reduced; and also that the Committee on Finance be instructed to report accordingly. He supported this resolution by an able speech, to which Mr. Hayne of South Carolina re-

sponded. The subject underwent a protracted debate, and was still before the Senate on the second of February, when Mr. Clay commenced the delivery of his famous oration in defence of the American system, and in opposition to the British colonial system. The delivery of this speech occupied that day, the whole of the next, and was at length concluded on the sixth of that month. It was one of his master-pieces; and on no other occasion did his remarkable abilities shine forth with greater lustre, or more astounding effect. As an illustration of the method with which Mr. Clay treated the dry details of an argument on commercial affairs, we may adduce the following extracts from this oration :

“Such are some of the items of this vast system of protection which it is now proposed to abandon. We might well pause and contemplate, if human imagination could conceive the extent of mischief and ruin from its total overthrow, before we proceed to the work of destruction. Its duration is worthy also of serious consideration. Not to go behind the Constitution, its date is coeval with that instrument. It began on the ever-memorable fourth day of July—the fourth day of July, 1789. The second act which stands recorded in the statute-book, bearing the illustrious signature of George Washington, laid the corner-stone of the whole system. That there might be no mistake about the matter, it was then solemnly proclaimed to the American people and to the world, that it was *necessary* for ‘the encouragement and *protection* of manufactures,’ that duties should be laid. It is in vain to urge the small amount of the measure

of the protection then extended. The great principle was then established by the fathers of the Constitution, with the father of his country at their head. And it cannot now be questioned, that, if the government had not then been new and the subject untried, a greater measure of protection would have been applied, if it had been supposed necessary. Shortly after, the master-minds of Jefferson and Hamilton were brought to act on this interesting subject. Taking views of it appertaining to the departments of Foreign Affairs and of the Treasury, which they respectively filled, they presented, severally, reports which yet remain monuments of their profound wisdom, and came to the same conclusion of protection to American industry. Mr. Jefferson argued that foreign restrictions, foreign prohibitions, and foreign high duties, ought to be met at home by American restrictions, American prohibitions, and American high duties. Mr. Hamilton, surveying the entire ground, and looking at the inherent nature of the subject, treated it with an ability which, if ever equalled, has not been surpassed, and earnestly recommended protection.

“If we purchased still less from Great Britain than we do, and our conditions were reversed, so that the value of her imports from this country exceeded that of her exports to it, she would only then be compelled to do what we have so long done, and what South Carolina does, in her trade with Kentucky, make up for the unfavorable balance by trade with other places and countries. How does she now dispose of the one hundred and sixty millions of dollars’ worth of cotton

fabrics which she annually sells? Of that amount the United States do not purchase five per centum. What becomes of the other ninety-five per centum? Is it not sold to other powers, and would not their markets remain, if ours were totally shut? Would she not continue, as she now finds it her interest, to purchase the raw material from us, to supply those markets? Would she be guilty of the folly of depriving herself of markets to the amount of upward of one hundred and fifty millions of dollars, because we refused her a market for some eight or ten millions?

“But if there were a diminution of the British demand for cotton equal to the loss of a market for the few British fabrics which are within the scope of our protective policy, the question would still remain, whether the cotton-planter is not amply indemnified by the creation of additional demand elsewhere? With respect to the cotton-grower, it is the *totality* of the demand, and not its *distribution*, which affects his interests. If any system of policy will augment the aggregate of the demand, that system is favorable to his interests, although its tendency may be to vary the theatre of the demand. It could not, for example, be injurious to him, if, instead of Great Britain continuing to receive the entire quantity of cotton which she now does, two or three hundred thousand bales of it were taken to the other side of the channel, and increased to that extent the French demand. It would be better for him, because it is always better to have several markets than one. Now if, instead of a transfer to the opposite side of the channel, of

those two or three hundred thousand bales, they are transported to the Northern States, can that be injurious to the cotton-grower? Is it not better for him? Is it not better to have a market at home, unaffected by war, or other foreign causes, for that amount of his staple?

“If the establishment of American manufactures, therefore, had the sole effect of creating a new and an American demand for cotton, *exactly* to the same extent in which it lessened the British demand, there would be no just cause of complaint against the tariff. The gain in one place would precisely equal the loss in the other. But the true state of the matter is much more favorable to the cotton-grower. It is calculated that the cotton manufactories of the United States absorb at least two hundred thousand bales of cotton annually. I believe it to be more. The two ports of Boston and Providence alone received during the last year near one hundred and ten thousand bales. The amount is annually increasing. The raw material of that two hundred thousand bales is worth six millions, and there is an additional value conferred by the manufacturer of eighteen millions; it being generally calculated that, in such cotton fabrics as we are in the habit of making, the manufacture constitutes three-fourths of the value of the article. If, therefore, these twenty-four millions’ worth of cotton fabrics were not made in the United States, but were manufactured in Great Britain, in order to obtain them, we should have to add to the already enormous disproportion between the amount of our imports and exports, in the trade with Great Britain, the further

sum of twenty-four millions, or, deducting the price of the raw material, eighteen millions! And will gentlemen tell me how it would be possible for this country to sustain such a ruinous trade? From all that portion of the United States lying north and east of James River, and west of the mountains, Great Britain receives comparatively nothing. How would it be possible for the inhabitants of that largest portion of our territory, to supply themselves with cotton fabrics, if they were brought from England exclusively? They could not do it. But for the existence of the American manufacture, they would be compelled greatly to curtail their supplies, if not absolutely to suffer in their comforts. By its existence at home, the circle of those exchanges is created, which reciprocally diffuses among all who are embraced within it the productions of their respective industry. The cotton-grower sells the raw material to the manufacturer; he buys the iron, the bread, the meal, the coal, and the countless number of objects of his consumption from his fellow-citizens, and they in turn purchase his fabrics. Putting it upon the ground merely of supplying those with necessary articles who could not otherwise obtain them, ought there to be from any quarter an objection to the only system by which that object can be accomplished? But can there be any doubt, with those who will reflect, that the actual amount of cotton consumed is increased by the home manufacture? The main argument of gentlemen is founded upon the idea of mutual ability resulting from mutual exchanges. They would furnish an ability to foreign nations by

purchasing from them, and I, to our own people, by exchanges at home. If the American manufacture were discontinued, and that of England were to take its place, how would she sell the additional quantity of twenty-four millions of cotton goods, which we now make? To us? That has been shown to be impracticable. To other foreign nations? She has already pushed her supplies to them to the utmost extent. The ultimate consequence would then be, to diminish the total consumption of cotton, to say nothing of the reduction of price that would take place by throwing into the ports of England the two hundred thousand bales which would go thither."

On the 13th of March, 1832, a bill was reported according to the suggestion of Mr. Clay, embodying his views, which afterward passed both Houses with some modification in July. The revenue was reduced by its operation, but the Protective System was preserved. The law was received with different sentiments in different portions of the Union. The discontent was greatest and fiercest in South Carolina. The tariff of 1832 was made the subject of popular opprobrium; and a Convention was held in that State which enacted a nullifying ordinance, and became a part of its fundamental law. This event took place on the 24th of November. The ordinance was signed by James Hamilton as chairman, and one hundred and forty members, including many of the leading citizens of South Carolina. The Convention prepared and issued an address to the people of the United States, in which the following language occurs:

"Under a system of free trade, the aggregate crop

of South Carolina would be exchanged for a larger quantity of manufactures, by at least one-third, than it can be exchanged for under the protecting system. It is no less evident, that the value of the crop is diminished by the protecting system very nearly, if not precisely, to the extent that the aggregate quantity of manufactures that is obtained for it, is diminished. It is indeed strictly and philosophically true, that the quantity of consumable commodities which can be obtained for the cotton and rice annually produced by the industry of the State, is the precise measure of their aggregate value. But for the prevalent and habitual error of confounding the money price with the exchangeable value of our agricultural staples, these propositions would be regarded as self-evident. If the protecting duties were repealed, one hundred bales of cotton, or one hundred barrels of rice, would purchase as large a quantity of manufactures as one hundred and fifty will now purchase. The annual income of the State, its means of purchasing and consuming the necessities and comforts and luxuries of life, would be increased in a corresponding degree. Almost the entire crop of South Carolina, amounting annually to more than six millions of dollars, is ultimately exchanged either for foreign manufactures subject to protecting duties, or for similar domestic manufactures. The natural value of that crop would be all the manufactures which we could obtain for it under a system of unrestricted commerce. The artificial value produced by the unjust and unconstitutional legislation of Congress, is only such part of these manufactures as will remain after paying a duty

of fifty per cent. to the government; or, to speak with more precision, to the Northern manufacturers. . . . The inevitable result is, that the manufactures thus lawfully acquired by the honest industry of South Carolina, are worth annually three millions of dollars less to her citizens, than the very same quantity, of the very same description, of manufactures is worth to the citizens of a manufacturing State—a difference of value produced exclusively by the operation of the protecting system. No ingenuity can either evade or refute this proposition. The very axioms of geometry are not more self-evident. . . . We confidently appeal to our confederated States, and to the whole world, to decide whether the annals of human legislation furnish a parallel instance of injustice and oppression perpetrated in the form of free government. However it may be disguised by the complexity of the process by which it is effected, it is nothing less than the monstrous outrage of taking three millions of dollars annually from the value of the productions of South Carolina, and transferring it to the people of other and distant communities.”

Irritated by these exhibitions of hostility to a law which he had approved, General Jackson issued his proclamation on the 10th of December, 1832, denouncing the proceedings which had taken place in South Carolina as *treasonable*, and insisting that they should be immediately abandoned. Ten days afterward Governor Hayne issued a counter proclamation, urging all patriotic citizens of the State to obey the ordinance of nullification. When the second session of the twenty-second Congress opened, the presence

and influence of Mr. Calhoun, who had resigned the Vice-Presidency, and accepted a seat in the Senate, and whom General Jackson had at one time threatened to arrest on his arrival at Washington,—became invested with immense importance, as the leader and originator of the project of nullification, and as the great representative, *pro hac vice*, of State rights, in opposition to those of Federal law and government.

A collision of the most dangerous and deperate character between the President and the State of South Carolina, seemed inevitable; but just in the most critical moment, Mr. Clay came forward in the Senate with his celebrated "Compromise Bill," which provided for a gradual reduction of duties till the year 1842, when twenty per cent., at a home valuation, should become the rate, until some other proportion should be established by the authority of law. This Compromise Bill was the product of much study and reflection on the part of its author. When passing through Philadelphia, previous to the opening of the session, Mr. Clay had held conferences with the leading manufacturers of that city,—then, as now, the centre of the manufacturing enterprise and resources of the Union,—to ascertain the opinions which they had derived from their practical knowledge and experience of the subject. On arriving at Washington, he conferred with Mr. Calhoun upon the existing difficulties, and compared views with him in reference to the necessary and practicable changes in the tariff. His rare powers of persuasion and conciliation were used to the utmost, in producing a spirit of harmony among Southern Representatives, who

had been most disposed to refractory measures. He prevailed so far, that at last they generally expressed the feeling, that they much preferred that the difficulty should be settled by Mr. Clay, than by the arbitrary measures threatened by the Federal Government.

The Compromise Act was discussed with much zeal and ability in both Houses of Congress. Its chief opponent was Daniel Webster, who threw into the scale against it the ponderous weight of his talents and influence. Mr. Clay met the arguments which he advanced with great boldness and skill. He thus replied to the chief considerations advanced by the Colossus of the North against the bill:

“The Senator from Massachusetts objects to the bill under consideration, on various grounds. He argues, that it imposes unjustifiable restraints on the power of future legislation; that it abandons the protective policy; and that the details of the bill are practically defective. He does not object to the gradual, but very inconsiderable, reduction of duties which is made prior to 1842. To that he could not object, because it is a species of prospective provision, as he admits, in conformity with numerous precedents on our statute-book. He does not object so much to the state of the proposed law prior to 1842, during a period of nine years; but, throwing himself forward to the termination of that period, he contends that Congress will then find itself under inconvenient shackles, imposed by our indiscretion. In the first place, I would remark, that the bill contains no obligatory pledges—it could make none—none are at-

tempted. The power over the subject is in the Constitution, put there by those who formed it, and liable to be taken out only by an amendment of the instrument. The next Congress, and every succeeding Congress, will undoubtedly have the power to repeal the law whenever they may think proper. Whether they will exercise it, or not, will depend upon a sound discretion, applied to the state of the whole country, and estimating fairly the consequences of the repeal, both upon the general harmony and the common interests. Then the bill is founded in a spirit of compromise. Now, in all compromises there must be mutual concessions. The friends of free-trade insist, that duties should be laid in reference to revenue alone. The friends of American industry say, that another, if not paramount object in laying them, should be, to diminish the consumption of foreign, and increase that of domestic products. On this point the parties divide, and between these two opposite opinions a reconciliation is to be effected, if it can be accomplished. The bill assumes as a basis adequate protection for nine years, and less beyond that term. The friends of protection say to their opponents, we are willing to take a lease of nine years, with the long chapter of accidents beyond that period, including the chance of war, the restoration of concord, and along with it a conviction common to all, of the utility of protection; and in consideration of it, if, in 1842, none of these contingencies shall have been realized, we are willing to submit, as long as Congress may think proper, to a maximum rate of twenty per centum, with the power of discrimination below it,

cash duties, *home valuations*, and a liberal list of free articles, for the benefit of the manufacturing interest. To these conditions the opponents of protection are ready to accede. The measure is what it professes to be, a compromise; but it imposes, and could impose, no restriction upon the will or power of a future Congress. Doubtless great respect will be paid, as it ought to be paid, to the serious condition of the country that has prompted the passage of this bill. Any future Congress that might disturb this adjustment, would act under a high responsibility; but it would be entirely within its competency to repeal, if it thought proper, the whole bill. It is far from the object of those who support this bill, to abandon or surrender the policy of protecting American industry. Its protection or encouragement may be accomplished in various ways—first, by bounties, as far as they are within the constitutional power of Congress to offer them; second, by prohibitions, totally excluding the foreign rival article; third, by high duties, without regard to the aggregate amount of revenue which they produce; fourth, by discriminating duties, so adjusted as to limit the revenue to the economical wants of government; and, fifth, by the admission of the raw material, and articles essential to manufactures, free of duty; to which may be added, cash duties, home valuations, and the regulation of auctions. A perfect system of protection would comprehend most, if not all these modes of affording it. There might be, at this time, a prohibition of certain articles (ardent spirits and coarse cottons, for example) to public advantage. If there were not inveterate

prejudices and conflicting opinions prevailing (and what statesman can totally disregard impediments?), such a compound system might be established.

“Now, Mr. President, before the assertion is made, that the bill surrenders the protective policy, gentlemen should understand perfectly what it does not, as well as what it does propose. It impairs no power of Congress over the whole subject; it contains no promise or pledge whatever, express or implied, as to bounties, prohibitions, or auctions; it does not touch the power of Congress in regard to them, and Congress is perfectly free to exercise that power at any time; it expressly recognizes discriminating duties within a prescribed limit; it provides for cash duties and home valuations; and it secures a free list, embracing numerous articles, some of high importance to the manufacturing arts. Of all the modes of protection which I have enumerated, it affects only the third; that is to say, the imposition of high duties, producing a revenue beyond the wants of government. The Senator from Massachusetts contends that the policy of protection was settled in 1816, and that it has ever since been maintained. Sir, it was settled long before 1816. It is coeval with the present Constitution, and it will continue, under some of its various aspects, during the existence of the government. No nation can exist, no nation perhaps ever existed, without protection in some form, and to some extent, being applied to its own industry. The direct and necessary consequence of abandoning the protection of its own industry, would be to subject it to the restrictions and prohibitions of foreign Powers; and

no nation, for any length of time, can endure an alien legislation, in which it has no will. The discontents which prevail, and the safety of the Republic, may require the modification of a specific mode of protection, but it must be preserved in some other more acceptable shape.

“All that was settled in 1816, in 1824, and in 1828, was, that protection should be afforded *by high duties, without regard to the amount of the revenue which they might yield.* During that whole period, we had a public debt which absorbed all the surpluses beyond the ordinary wants of government. Between 1816 and 1824, the revenue was liable to the greatest fluctuations, vibrating between the extremes of about nineteen and thirty-six millions of dollars. If there were more revenue, more debt was paid; if less, a smaller amount was reimbursed. Such was sometimes the deficiency of the revenue, that it became necessary to the ordinary expenses of government, to trench upon the ten millions annually set apart as a sinking fund, to extinguish the public debt. If the public debt remained undischarged, or we had any other practical mode of appropriating the surplus revenue, the form of protection, by high duties, might be continued without public detriment. It is the payment of the public debt, then, and the arrest of internal improvements by the exercise of the veto, that unsettles that specific form of protection. Nobody supposes, or proposes, that we should continue to levy, by means of high duties, a large annual surplus, of which no practical use can be made, for the sake of the incidental protection which they afford. The

Secretary of the Treasury estimates that surplus on the existing scale of duties, and with the other sources of revenue, at six millions annually. An annual accumulation at that rate would, in a few years, bring into the treasury the whole currency of the country, to lie there inactive and dormant."

The Compromise Bill, in consequence of the unwearyed exertions of Mr. Clay, passed the House on the 26th of February, 1833, by a vote of one hundred and twenty to eighty-four; and the Senate, on the 1st of March following, by a vote of twenty-nine to sixteen. This result was most propitious to the interests of the whole Confederacy, restoring concord, preserving unity, and averting civil war and bloodshed, the probable horrors of which it would be impossible for the mind to conjecture, or adequately estimate; while, at the same time, it placed Mr. Clay on an exalted and honorable eminence, as the preserver of the unity and prosperity of the nation. He regarded the glorious work which he had been able to achieve with that particular pride and joy, which were so natural to the breast of a true patriot, whose felicitous destiny it had been, to merit the gratitude of his country by the importance and value of his services.

In the autumn of 1833 Mr. Clay complied with repeated invitations which had been extended to him, to visit the Northern and Eastern States of the Union. The reception with which he was greeted, during the progress of his journey, indicated the immense popularity which he had attained, in the estimation of his countrymen. Immense and enthusias-

tic crowds greeted his arrival at Baltimore, Philadelphia, New York, Providence, Boston, Charlestown, Lowell, Salem, Albany, and many other places of importance on his route. He declined the frequent invitations which he received to public dinners. The manufacturing population of New England, especially, hailed his presence as that of a public benefactor and national favorite. He visited many institutions of interest in the leading cities through which he passed; and no conqueror, loaded with the spoils of blood-bought victories, ever received such genuine homage and applause from his countrymen, as this triumphant hero of peace, conciliation, and union. He visited ex-President Adams at Quincy, and ascended the historic heights of Bunker Hill; on which a platform having been erected, he was addressed, in the presence of a great multitude, by Edward Everett, as chairman of the committee, in a complimentary speech. The recipient of these, and many other demonstrations of popular applause, returned to Washington at the opening of Congress. During the entire tour he was accompanied by Mrs. Clay, and by a portion of his family, who were thus the gratified witnesses of this extraordinary exhibition of a nation's esteem and admiration.

CHAPTER IX.

DISPOSAL OF THE PUBLIC LANDS—POLICY OF MR. CLAY RESPECTING THEM—HIS REPORT ON THE SUBJECT—PRESIDENT JACKSON'S OPPOSITION TO IT—THE BANK OF THE UNITED STATES—THE PRESIDENT RESOLVES TO REMOVE THE DEPOSITS—CHANGES PRODUCED THEREBY IN HIS CABINET—THE OPPOSITION OF CONGRESS TO THE MEASURE—THE DEPOSITS REMOVED—MR. CLAY'S SPEECHES ON THE SUBJECT—THE EXPUNGING RESOLUTION—EXTRACTS.

IN March, 1832, the subject of the disposal of the public lands was introduced into the deliberations of Congress. A proposition was made by Mr. Bibb, of Kentucky, to reduce their price; while other Representatives urged that the public territory, which belonged to the United States, should be sold to the respective States within which they were located, at a moderate price. These propositions were referred to the committee of which Mr. Clay was a member; and the supposition was, that he might be tempted to advocate the sale of the public lands on those terms, in order to acquire popularity in the Western States, thereby defending a policy inconsistent with his previous position.

Mr. Clay detected the trap with his usual sagacity, and evaded it. The position which he assumed and advocated was not only independent of any selfish consideration, but was just and equitable in itself. He contended that the public lands were a national do-

main, belonging in common to the Federal Government. Its right to this territory was based both on conquest and compact. It had been obtained by the blood and the money of the original thirteen colonies. The triumph at Yorktown, and the treaty of peace made by discomfited England, acknowledging the freedom and independent sovereignty of the revolted colonies, completed and perfected their indefeasible title. The thirteen States, the original feeffees of those domains, then conveyed their right, title, and interest therein to the Federal Government, to be administered for the common good, and to serve as sources from which to replenish the common treasury. In return, the Federal Government had pledged itself to administer the trust according to the wishes of the grantors,—for the interests of the original possessors, and of those new States which might afterward become incorporated into the Union.

Mr. Clay made an able report from the Committee on Public Lands. The positions which he assumed and advocated on this subject will be understood most clearly from the following provisions of his bill:

I. That after the thirty-first day of December, 1832, twelve and a half per cent. of the net proceeds of the public lands sold within their limits, should be paid to Ohio, Indiana, Illinois, Alabama, Missouri, and Mississippi, over and above what these States were severally entitled to by the compacts of their admission into the Union; to be applied to internal improvements and purposes of education within those States, under the direction of their Legislatures—in-

dependently of the provisions for the construction and maintenance of the Cumberland road.

II. After this deduction, the net proceeds were to be distributed among the (then) twenty-four States, according to their respective federal representative population; to be applied to such objects of internal improvement, education, or colonization, as might be designated by their respective Legislatures, or the reimbursement of any previous debt contracted for internal improvements.

III. The act to continue in force for five years, except in the event of a war with any foreign Power; and additional provisions to be made for any new State that might be meanwhile admitted to the Union.

IV. The minimum price of the public lands not to be increased; and not less than eighty thousand dollars per annum to be applied to complete the public surveys.

V. Land offices to be discontinued in districts where, for two successive years, the proceeds of sales should be insufficient to pay the salaries of the officers employed.

VI. That certain designated quantities of land should be granted to six of the new States, not to be sold at a less price than the minimum price of lands sold by the United States, to be applied to internal improvements.

General Jackson had previously advocated a similar arrangement; nevertheless, when the bill passed both Houses, and was laid before him for his approval, he could not sacrifice his personal hostility

against the author of the bill to his consistency, but vetoed it. Subsequently, on the 2d of May, 1834, Mr. Clay introduced his propositions again into Congress, and after a vigorous struggle, obtained the establishment of those principles and measures, in reference to the public lands, which he had always advocated, and which have remained the equitable and beneficent law of the land.

The most important event connected with this period of Mr. Clay's career, was the struggle between the Bank of the United States and President Jackson. In 1830 the financial condition of the country was prosperous; yet at that period, the President commenced his attacks upon the "monster," which eventually led to the most serious results. In his message of that year he recommended the establishment of a Treasury Bank, on the ground that the deposits of the national funds were not safe in the vaults of the United States Bank; and for the purpose of "strengthening the States" by giving them the means of furnishing the local paper currency through their own banks." In 1831 Congress passed a bill for the recharter of the Bank of the United States, which the President immediately vetoed; at the same time intimating that if he had been invited to furnish the plan of "such an institution as would be constitutional," he would willingly have done so. Mr. Clay condemned the positions contained in the vetoing message with great earnestness, and assailed them with much ability, in July, 1832. He also insisted that the President had mistaken his oath to support the Constitution of the United States, when

he claimed the right to put upon it whatever interpretation of its meaning he pleased. He was bound to obey it as he found it, and as it was understood in the general comprehension of the nation. These positions of the President were preparatory to his subsequent attacks on the Bank. In the autumn of 1833 he determined to stretch his power to the utmost, and effect a removal of the deposits from the Bank, as the most effectual blow which could possibly be struck at its prosperity.

It was not without difficulty that the President obtained a public officer who was sufficiently pliable to his will, as to serve as his agent in accomplishing this important and decisive step. It seems to be an admitted doctrine of constitutional law, that the treasury of the United States was never intended to be placed under the authority of the Executive branch of the Federal Government; but, on the contrary, that it is of essential importance that they should always remain entirely distinct; and that the House of Representatives, the Democratic branch of the government, should exercise complete control over the funds of the Confederacy. Hence, the "Treasurer of the United States," and not the "Secretary of the Treasury," is the person to whom the public moneys are entrusted; and hence it is further enacted, that the Treasurer of the United States shall receive and keep the moneys of the United States, and disburse the same, upon warrants drawn by the Secretary of the Treasury, countersigned by the Controller, recorded by the Register, and not otherwise. It is also provided that no money shall

be drawn from the treasury but in consequence of "appropriations made by law"—a function which lies within the jurisdiction of Congress alone. Hence it was contended by Mr. Clay, that the order of the President to withdraw the deposits from the Bank, where they had been placed by the action of Congress, was unconstitutional, and exceeded his authority. Nineteen million dollars was the amount then deposited and subject to the drafts of the government, in the vaults of the Bank. Congress, as if to avert the purpose of the President by a significant hint, passed a resolution that the public funds were safe while in the Bank; but the President proceeded to the accomplishment of his determination. When he proposed the removal of the deposits, and their distribution among certain favorite State banks, to his Cabinet, they all expressed their conviction of the unconstitutionality of the measure. He then read to them a paper, in which he declared that he wished his Cabinet to consider the proposed measure as entirely his own; in support of which he would not require any of them to make a sacrifice of opinion or of principle, and that he himself assumed its entire responsibility.

In September, 1833, the President proceeded in the execution of his purpose, and directed Mr. McClain, the Secretary of the Treasury, to order the removal of the deposits. He declined, and was dismissed from his office. William J. Duane, of Philadelphia, was then chosen in his place; but Mr. Duane also refused to become the agent in accomplishing the President's purpose, and was also dismissed. Roger

B. Taney, of Maryland, was then called to the vacant post. He accepted it, and readily obeyed the injunction of the President to withdraw the public moneys from the bank.

It may naturally be supposed that this summary method of proceeding excited the utmost hostility of the opponents and enemies of the President. They regarded his measures as arbitrary, tyrannical, and dangerous to the liberties of the country. Bold and confident statesmen, among whom Mr. Clay was foremost, considered the condition of the nation as perilous. On the 26th of December, 1833, he accordingly introduced resolutions in the Senate to the following effect:

“Resolved, That by dismissing the late Secretary of the Treasury, because he would not, contrary to his sense of his own duty, remove the money of the United States in deposit with the Bank of the United States and its branches, in conformity with the President’s opinion, and by appointing his successor to effect such removal, which has been done, the President has assumed the exercise of a power over the treasury of the United States not granted to him by the Constitution and laws, and dangerous to the liberties of the people.

“Resolved, That the reasons assigned by the Secretary of the Treasury for the removal of the money of the United States, deposited in the Bank of the United States and its branches, communicated to Congress on the third of December, 1833, are unsatisfactory and insufficient.”

Mr. Taney had been called upon by a previous re-

solution of Congress to furnish the Houses with a copy of the letter containing the reasons by which his action as Secretary of the Treasury was defended. The resolutions of Mr. Clay were discussed with great zeal and ability, he himself taking a prominent part in the debate. During the course of his remarks on this occasion, he uttered the following attack upon the prominent actors in this event:

“The report of the Secretary of the Treasury, in the first paragraph, commences with a mis-statement of the fact. He says, ‘*I have directed*’ that the deposits of the money of the United States shall not be made in the Bank of the United States. If this assertion is regarded in any other than a mere formal sense, it is not true. The Secretary may have been the instrument, the clerk, the automaton, in whose name the order was issued; but the measure was that of the President, by whose authority or command the order was given; and of this we have the highest and most authentic evidence. The President has told the world that the measure was his own, and that he took it upon his own responsibility. And he has exonerated his Cabinet from all responsibility about it. The Secretary ought to have frankly disclosed all the circumstances of the case, and told the truth, the whole truth, and nothing but the truth. If he had done so, he would have informed Congress that the removal had been decided by the President on the eighteenth of September last; that it had been announced to the public on the twentieth; and that Mr. Duane remained in office until the twenty-third. He would have informed Congress that this important

measure was decided before he entered into his new office, and was the cause of his appointment. Yes, sir, the present secretary stood by, a witness to the struggle in the mind of his predecessor, between his attachment to the President and his duty to the country; saw him dismissed from office, because he would not violate his conscientious obligations, and came into his place, to do what he could not, honorably, and would not perform. A son of one of the fathers of Democracy, by an administration professing to be Democratic, was expelled from office, and his place supplied by a gentleman, who, throughout his whole career, has been uniformly opposed to Democracy!—a gentleman who, at another epoch of the republic, when it was threatened with civil war, and a dissolution of the Union, voted (although a resident of a slave State), in the Legislature of Maryland, against the admission of Missouri into the Union without a restriction incompatible with her rights as a member of the confederacy! Mr. Duane was dismissed because the solemn convictions of his duty would not allow him to conform to the President's will—because his logic did not bring his mind to the same conclusions with those of the logic of a venerable old gentleman, inhabiting a white house not distant from the capitol—because his watch [here Mr. Clay held up his own] did not keep time with that of the President. He was dismissed under that detestable system of proscription for opinion's sake, which has finally dared to intrude itself into the halls of Congress—a system under which three unoffending clerks, the husbands of wives, the fathers of families,

dependent on them for support, without the slightest imputation of delinquency, have been recently unceremoniously discharged, and driven out to beggary, by a man, himself the substitute of a meritorious officer, who has not been in this city a period equal to one monthly revolution of the moon! I tell *our* secretary [said Mr. Clay, raising his voice]. that, if he touch a single hair of the head of any one of the clerks of the Senate (I am sure he is not disposed to do it), on account of his opinions, political or religious, if no other member of the Senate does it. I will instantly submit a resolution for his own dismissal.

“The secretary ought to have communicated all these things—he ought to have stated that the Cabinet was divided two and two, and one of the members [Mr. Cass, Secretary of War] equally divided with himself on the question, willing to be put into either scale. He ought to have given a full account of this, the most important act of executive authority since the origin of the government—he should have stated with what unsullied honor his predecessor retired from office, and on what degrading conditions he accepted his vacant place. When a momentous proceeding like this, varying the constitutional distribution of the powers of the legislative and executive departments, was resolved on, the ministers against whose advice it was determined, should have resigned their stations. No ministers of any monarch in Europe, under similar circumstances, would have retained the seals of office. And if, as nobody doubts, there is a cabal behind the curtain, without character

and without responsibility, feeding the passions, stimulating the prejudices, and moulding the actions of the incumbent of the Presidential office, it was an additional reason for their resignations. There is not a *maitre d'hotel* in Christendom, who, if the scullions were put into command into the parlor and dining-room, would not scorn to hold his place, and fling it up in disgust with indignant pride!"

After a protracted discussion the substance of Mr. Clay's resolutions was passed in the Senate on the 28th of March, 1834, by a vote of twenty to twenty-six. On the 23d of June Mr. Taney's nomination as Secretary of the Treasury was sent in, and rejected by a vote of eighteen to twenty-eight. Subsequently he was rewarded for his zeal in the service of the President, by his appointment to the office of the Chief Justice of the United States.

The popularity and power of the Hero of New Orleans culminated in February, 1835, when a resolution was introduced into the Senate by Mr. Benton, of Missouri, to expunge from the minutes of that body the resolution of March, 1834, condemning the removal of the deposits. The motion was defeated on this occasion; but it was subsequently renewed in January, 1837, and passed. On both of these occasions Mr. Clay opposed the measure with his usual eloquence, but in vain. It was ordered that the manuscript journal of the minutes should be brought into the Senate; that the clerk should draw black lines around the resolution; and that over it should be written in large letters the words: "*Expunged by order of the Senate, this 16th day of January, in the*

year of our Lord eighteen hundred and thirty-seven." In opposition to this resolution Mr. Clay uttered the following earnest appeal:

"Mr. President, what patriotic purpose is to be accomplished by this expunging resolution? What new honor or fresh laurels will it win for our common country? Is the power of the Senate so vast that it ought to be circumscribed, and that of the President so restricted that it ought to be extended? What power has the Senate? None, separately. It can only act jointly with the other House, or jointly with the Executive. And although the theory of the Constitution supposes, when consulted by him, it may freely give an affirmative or negative response, according to the practice, as it now exists, it has lost the faculty of pronouncing the negative monosyllable. When the Senate expresses its deliberate judgment, in the form of resolution, that resolution has no compulsory force, but appeals only to the dispassionate intelligence, the calm reason, and the sober judgment of the community. The Senate has no army, no navy, no patronage, no lucrative offices nor glittering honors to bestow. Around us there is no swarm of greedy expectants, rendering us homage, anticipating our wishes, and ready to execute our commands.

"How is it with the President? Is he powerless? He is felt from one extremity to the other of this vast republic. By means of principles which he has introduced, and innovations which he has made in our institutions, alas! but too much countenanced by Congress and a confiding people, he exercises uncon-

trolled the power of the State. In one hand he holds the purse, and in the other brandishes the sword of the country. Myriads of dependents and partisans, scattered over the land, are ever ready to sing hosannahs to him, and to laud to the skies whatever he does. He has swept over the Government, during the last eight years, like a tropical tornado. Every department exhibits traces of the ravages of the storm. Take, as one example, the Bank of the United States. No institution could have been more popular with the people, with Congress, and with State Legislatures. None ever better fulfilled the great purposes of its establishment. But it unfortunately incurred the displeasure of the President. He spoke, and the bank lies prostrate. And those who were loudest in its praise are now loudest in its condemnation. What object of his ambition is unsatisfied? When disabled from age any longer to hold the sceptre of power, he designates his successor, and transmits it to his favorite. What more does he want? Must we blot, deface, and mutilate the records of the country to punish the presumptuousness of expressing an opinion contrary to his own?

“What patriotic purpose is to be accomplished by this expunging resolution? Can you make that not to be which has been? Can you eradicate from memory and from history the fact, that in March, 1834, a majority of the Senate of the United States passed the resolution which excites your enmity? Is it your vain and wicked object to arrogate to yourselves that power of annihilating the past which has been denied to Omnipotence itself? Do you intend

to thrust your hands into our hearts, and to pluck out the deeply-rooted convictions which are there? or is it your design merely to stigmatize us? You cannot stigmatize us.

“‘Ne’er yet did base dishonor blur our name.’

“Standing securely upon our conscious rectitude, and bearing aloft the shield of the Constitution of our country, your puny efforts are impotent, and we defy all your power. Put the majority of 1834 in one scale, and that by which this expunging resolution is to be carried, in the other, and let truth and justice, in heaven above and on the earth below, and liberty and patriotism, decide the preponderance.

“What patriotic purpose is to be accomplished by this expunging? Is it to appease the wrath, and to heal the wounded pride, of the Chief Magistrate? If he be really the hero that his friends represent him, he must despise all mean condescension, all groveling sycophancy, all self-degradation and self-abasement. He would reject with scorn and contempt, as unworthy of his fame, your black scratches, and your baby lines in the fair records of his country. Black lines! Black lines! Sir, I hope the secretary of the Senate will preserve the pen with which he may inscribe them, and present it to that senator of the majority whom he may select, as a proud trophy to be transmitted to his descendants. And hereafter, when we shall lose the forms of our free institutions, all that now remain to us, some future American monarch in gratitude to those by whose means he

has been enabled, upon the ruins of civil liberty, to erect a throne, and to commemorate especially this expunging resolution, may institute a new order of knighthood, and confer on it the appropriate name of THE KNIGHT OF THE BLACK LINES.

“But why should I detain the Senate, or needlessly waste my breath in fruitless exertions? The decree has gone forth. It is one of urgency, too. The deed is to be done — that foul deed, like the blood-stained hands of the guilty Macbeth, all ocean’s waters will never wash out. Proceed, then, to the noble work which lies before you, and like other skilful executioners, do it quickly. And when you have perpetrated it, go home to the people, and tell them what glorious honors you have achieved for our common country. Tell them that you have extinguished one of the brightest and purest lights that ever burned at the altar of civil liberty. Tell them that you have silenced one of the noblest batteries that ever thundered in defence of the Constitution, and bravely spiked the cannon. Tell them that, henceforward, no matter what daring or outrageous act any President may perform, you have forever hermetically sealed the mouth of the Senate. Tell them that he may fearlessly assume what power he pleases, snatch from its lawful custody the public purse, command a military detachment to enter the halls of the capitol, overawe Congress, trample down the Constitution, and raze every bulwark of freedom; but that the Senate must stand mute, in silent submission, and not dare to raise its opposing voice; that it must wait

until a House of Representatives, humbled and subdued like itself, and a majority of it composed of the partisans of the President, shall prefer articles of impeachment. Tell them, finally, that you have restored the glorious doctrine of passive obedience and non-resistance; and, if the people do not pour out their indignation and imprecations, I have yet to learn the character of American freemen."

CHAPTER X.

MR. CLAY'S OPPOSITION TO PRESIDENT JACKSON—HIS VISIT TO KENTUCKY—AMERICAN CLAIMS ON FRANCE—THEIR ADJUSTMENT—MR. CLAY'S REPORT ON THE SUBJECT—ELECTION OF MR. VAN BUREN TO THE PRESIDENCY—THE SUB-TREASURY SYSTEM—MR. CLAY'S OPPOSITION TO IT—HIS SPEECHES ON THE SUBJECT—DEFEAT OF THE BILL PROPOSING IT—ITS SUBSEQUENT REVIVAL—CONTINUED OPPOSITION TO IT BY MR. CLAY.

MR. CLAY took a prominent part in all the discussions which were held in the session of Congress of 1833-34, and proved himself to be the most energetic and formidable antagonist who ever assailed the administration and the authority of General Jackson. He resisted and embarrassed his policy at every step; for in regard to all his leading measures, Mr. Clay sincerely thought that they were prejudicial to the welfare of the country. The removal of the deposits had produced great confusion and distress in the financial affairs of the community; and an immense number of memorials were sent to Congress on the subject, demanding a change in the policy of the Government. Mr. Clay was selected by the petitioners to present a large proportion of these appeals; and in performing this welcome duty, he accompanied the memorials with several speeches of immense power and ability. This remark applies particularly to those memorable

arguments which he delivered on the 26th of February, 1834, when offering a memorial from Kentucky; and to that of the 15th of the ensuing April, when presenting another from Troy, New York.

After the termination of the first session of the twenty-third Congress, on the 30th of June, Mr. Clay commenced his journey to Kentucky, anxious to revisit his home and family after his long and arduous labors. During this journey he made a very narrow escape from death, or at least from serious injury, when journeying in the public stage-coach from Charlestown to Winchester, in Virginia. The coach was overturned while descending a steep hill, and one of the passengers was instantly killed. Mr. Clay received some bruises, though not of a very severe nature. At the opening of the following session of Congress he was at his post again with his usual promptitude and zeal in the public service. A subject was soon presented for discussion which elicited his efforts in opposition to the warlike tendencies of President Jackson. Between the years 1800 and 1817, the cruisers of France had made repeated aggressions on American commerce. In July, 1831, a treaty had been made between the two countries, by which the French Government agreed to indemnify the American claimants for their losses by the payment of twenty-five million francs. The payment of the first instalment of this sum fell due twelve months after the date of the treaty; but that period had elapsed, and the draft of the American Government on the French Minister of Finance for the amount, had been dishonored. General Jackson recommended that a

law be immediately passed, allowing reprisals to be made by American citizens on French property.

This matter, so pregnant with important and perilous results, was referred to the Committee on Foreign Relations, of which Mr. Clay was chairman. On the 6th of January, 1835, he read his report on the subject in the Senate, occupying an hour and a half in the delivery of it. It was an able and profound document, clearly demonstrating the impolicy and injustice of the measure recommended by the President, and advising an opposite course. While maintaining the national honor by a high and chivalrous tone—while contending for the justice and equity of the American claims—he demonstrated that it was just to allow further time and opportunity to the French Government to execute the terms of the existing treaty. His efforts on this occasion prevailed; and a resolution was finally adopted to the effect, that “it was inexpedient at that time to adopt any legislative measures in regard to the state of affairs between the United States and France.” This result, which was chiefly due to the influence and exertions of Mr. Clay, may with truth be said to have averted from the country the evils and calamities involved in a war with France. The important and delicate interests involved in this subject were finally and satisfactorily adjusted in 1836. In that year Mr. Clay was again appointed Chairman of the Committee on Foreign Relations, and he introduced a resolution in the Senate calling upon the President to furnish Congress with further information in regard to the state of affairs as they then existed between the two govern-

ments. The resolution was adopted; and accordingly, in February, 1836, the President sent in a message communicating the fact that the British Government had tendered its mediation for the purpose of settling the differences between the United States and France. This message was submitted to a committee, who afterward reported that the proffered mediation had been accepted, and that the matters in litigation between the two governments had been satisfactorily settled.

Congress adjourned on the 4th of July, 1836, after which Mr. Clay returned to Kentucky. He was received by his neighbors and constituents with great enthusiasm, and with every possible display of admiration and applause. The voice of calumny and of enmity was now dumb. The peerless statesman had regained the popularity of which he had been temporarily deprived by the efforts of his enemies and assailants. It was at this period that he first announced his determination soon to retire from the toils and responsibilities of public life. But in the following winter he was again elected by the Legislature of Kentucky to represent that Commonwealth in the United States Senate. The vote stood seventy-six for Mr. Clay, fifty-four for Mr. Guthrie, the candidate of the Administration. Mr. Clay once more accepted the high trust, and was present in the Senate at the opening of the ensuing session.

The result of the Presidential campaign of 1836 was the election of Martin Van Buren, who was chosen as the representative of the policy of General Jackson. On the 15th of May, 1837, he issued his proclamation, summoning an extraordinary session

of Congress to convene on the first Monday of September. When that body assembled at the appointed time, Mr. Van Buren transmitted a message to both Houses, in which he recommended the Sub-treasury system for the deposit and disbursement of the public funds. This topic at once became the all-absorbing theme of discussion in Congress. The measures which he commended involved the following arrangements: the revenues of the United States, the treasures deposited in the Mint and its branches, the collectors, receivers, and all other office-holders were ordered to receive in specie; and they were to keep subject to the drafts of the government, all public moneys coming into their possession, instead of depositing them, as formerly, in banks. The bill embodying these provisions was presented in the Senate on the 20th of September. On the 25th ensuing, Mr. Clay addressed that body in opposition to it. In the course of this argument he spoke as follows:

“No period has ever existed in this country, in which the future was covered by a darker, denser, or more impenetrable gloom. None, in which the duty was more imperative to discard all passion and prejudice, all party ties and previous bias, and look exclusively to the good of our afflicted country. In one respect, and I think it a fortunate one, our present difficulties are distinguishable from former domestic trouble, and that is their universality. They are felt, it is true, in different degrees, but they reach every section, every State, every interest, almost every man in the Union. All feel, see, hear, know their existence. As they do not array, like our former divisions,

one portion of the Confederacy against another, it is to be hoped that common sufferings may lead to common sympathies and common counsels, and that we shall, at no distant day, be able to see a clear way of deliverance. If the present state of the country were produced by the fault of the people; if it proceeded from their wasteful extravagance, and their indulgence of a reckless spirit of ruinous speculation; if public measures had no agency whatever in bringing it about, it would, nevertheless, be the duty of Government to exert all its energies, and to employ all its legitimate powers, to devise an efficacious remedy. But if our present deplorable condition has sprung from our rulers; if it is to be clearly traced to their acts and operations, that duty becomes infinitely more obligatory; and Government would be faithless to the highest and most solemn of human trusts should it neglect to perform it. And is it not too true, that the evils which surround us are to be ascribed to those who have had the conduct of our public affairs?

“In glancing at the past, nothing can be further from my intention than to excite angry feelings, or to find grounds of reproach. It would be far more congenial to my wishes that, on this occasion, we should forget all former unhappy divisions and animosities. But in order to discover how to get out of our difficulties, we must ascertain, if we can, how we got into them.

“Prior to that series of unfortunate measures which had for its object the overthrow of the Bank of the United States, and the discontinuance of its fiscal

agency for the Government, no people upon earth ever enjoyed a better currency, or had exchanges better regulated, than the people of the United States. Our monetary system appeared to have attained as great perfection as anything human can possibly reach. The combination of United States and local banks presented a true image of our system of General and State Governments, and worked quite as well. Not only within the country had we a local and general currency perfectly sound, but in whatever quarter of the globe American commerce had penetrated, there also did the bills of the United States Bank command unbounded credit and confidence. Now we are in danger of having fixed upon us, indefinitely as to time, that medium, an irredeemable paper currency, which, by the universal consent of the commercial world, is regarded as the worst. How has this reverse come upon us? Can it be doubted that it is the result of those measures to which I have adverted? When, at the very moment of adopting them, the very consequences which have happened were foretold as inevitable, is it necessary to look elsewhere for their cause? Never was prediction more distinctly made; never was fulfilment more literal and exact.

“Let us suppose that those measures had not been adopted; that the Bank of the United States had been rechartered; that the public deposits had remained undisturbed; and that the treasury order had never issued; is there not every reason to believe that we should be now in the enjoyment of a sound currency; that the public deposits would be now safe

and forthcoming, and that the suspension of specie payments in May last would not have happened?

“The President’s message asserts that the suspension has proceeded from over-action, over-trading, the indulgence of a spirit of speculation, produced by bank and other facilities. I think this is a view of the case entirely too superficial. It would be quite as correct and just, in the instance of a homicide perpetrated by the discharge of a gun, to allege that the leaden ball, and not the man who levelled the piece, was responsible for the murder. The true inquiry is, how came that excessive over-trading, and those extensive bank facilities, which the message describes? Were they not the necessary and immediate consequences of the overthrow of the bank, and the removal from its custody of the public deposits? And is not this proved by the vast multiplication of banks, the increase of the line of their discounts and accommodations, prompted and stimulated by Secretary Taney, and the great augmentation of their circulation which ensued?”

The Sub-treasury bill, after undergoing some changes, was passed in the Senate on the 4th of October, but afterward defeated in the House on the 10th. Congress adjourned on the 1th of the month, and the administration was thus successfully resisted, chiefly through the agency of Mr. Clay, in the accomplishment of the main purpose for which the extra session had been summoned.

During the second term of the Twenty-fifth Congress, the subject of the Sub-treasury was again introduced into the discussions of that body. Mr. Clay

displayed his usual zeal and ability against the measure. On the 19th of February, 1838, he delivered a lengthy argument against the project, in which the following passage occurs as the exordium:

“I have seen some public service, passed through many troubled times, and often addressed public assemblies, in this capitol and elsewhere; but never before have I risen in a deliberative body, under more oppressed feelings, or with a deeper sense of awful responsibility. Never before have I risen to express my opinions upon any public measure, fraught with such tremendous consequences to the welfare and prosperity of the country, and so perilous to the liberties of the people, as I solemnly believe the bill under consideration will be. If you knew, sir, what sleepless hours reflection upon it has cost me; if you knew with what fervor and sincerity I have implored Divine assistance to strengthen and sustain me in my opposition to it, I should have credit with you, at least, for the sincerity of my convictions, if I shall be so unfortunate as not to have your concurrence as to the dangerous character of the measure. And I have thanked my God that He has prolonged my life until the present time, to enable me to exert myself in the service of my country, against a project far transcending in pernicious tendency any that I have ever had occasion to consider. I thank Him for the health I am permitted to enjoy; I thank Him for the soft and sweet repose which I experienced last night; I thank Him for the bright and glorious sun which shines upon us this day.

“It is not my purpose at this time, Mr. President,

to go at large into a consideration of the causes which have led to the present most disastrous state of public affairs. That duty was performed by others, and myself, at the extra session of Congress. It was then clearly shown that it sprung from the ill-advised and unfortunate measures of executive administration. I will now content myself with saying that, on the fourth day of March, 1829, Andrew Jackson, not by the blessing of God, was made President of these United States; that the country was then eminently prosperous; that its currency was as sound and safe as any that a people were ever blessed with; that, throughout the wide extent of this whole Union, it possessed a uniform value; and that exchanges were conducted with such regularity and perfection, that funds could be transmitted from one extremity of the Union to the other, with the least possible risk or loss. In this encouraging condition of the business of the country, it remained for several years, until after the war wantonly waged against the late Bank of the United States was completely successful, by the overthrow of that invaluable institution. What our present situation is, is as needless to describe as it is painful to contemplate. First felt in our great commercial marts, distress and embarrassment have penetrated into the interior, and now pervade almost the entire Union. It has been justly remarked by one of the soundest and most practical writers that I have had occasion to consult, that 'all convulsions in the circulation and commerce of every country must originate in the operations of the Government, or in the mistaken views and erroneous measures of those pos-

sessing the power of influencing credit and circulation; for they are not otherwise susceptible of convulsion; and if left to themselves, they will find their own level, and flow nearly in one uniform stream.'

"Yes, Mr. President, we all have but too melancholy a consciousness of the unhappy condition of our country. We all too well know that our noble and gallant ship lies helpless and immovable upon breakers, dismasted, the surge beating over her venerable sides, and the crew threatened with instantaneous destruction. How came she there? Who was the pilot at the helm when she was stranded? The party in power! The pilot was aided by all the science and skill, by all the charts and instruments, of such distinguished navigators as Washington, the Adamses, Jefferson, Madison, and Monroe; and yet he did not, or could not, save the public vessel. She was placed in her present miserable condition by his bungling navigation, or by his want of skill and judgment. It is impossible for him to escape from one or the other horn of that dilemma. I leave him at liberty to choose between them."

The plan of this speech is laid out as follows:

"I shall endeavor, Mr. President, in the course of the address I am about making, to establish certain propositions which I believe to be incontestable; and for the sake of perspicuity, I will state them severally to the Senate. I shall contend:

"First, that it was the deliberate purpose and fixed design of the late administration to establish a Government bank—a treasury bank—to be administered and controlled by the executive department.

“Secondly, that, with that view, and to that end, it was its aim and intention to overthrow the whole banking system, as existing in the United States when that administration came into power, beginning with the Bank of the United States and ending with the State banks.

“Thirdly, that the attack was first confined, from considerations of policy, to the Bank of the United States; but that, after its overthrow was accomplished, it was then directed, and has since been continued, against the State banks.

“Fourthly, that the present administration, by its acknowledgments, emanating from the highest and most authentic source, has succeeded to the principles, plans, and policy of the preceding administration, and stands solemnly pledged to complete and perfect them.

“And, fifthly, that the bill under consideration is intended to execute the pledge, by establishing, upon the ruins of the late Bank of the United States and the State banks, a Government bank, to be managed and controlled by the Treasury Department, acting under the commands of the President of the United States.

“I believe, solemnly believe, the truth of every one of these five propositions. In the support of them, I shall not rely upon any gratuitous surmises or vague conjectures, but upon proofs, clear, positive, undeniable, and demonstrative. To establish the first four, I shall adduce evidence of the highest possible authenticity, of facts admitted or undeniable, and fair reasoning founded on them. And as to the last, the

measure under consideration, I think the testimony, intrinsic and extrinsic, on which I depend, stamps, beyond all doubt, its true character as a Government bank, and ought to carry to the mind of the Senate the conviction which I entertain, and in which I feel perfectly confident the whole country will share."

Mr. Clay demonstrated the truth of each of these propositions at considerable length, and with remarkable conclusiveness and force of reasoning. His views on the subject of the relation of specie to paper currency:

"All experience [said Mr. Clay] has demonstrated that in banking operations, a much larger amount of paper can be kept out in circulation than the specie which it is necessary to retain in the vaults to meet it when presented for payment. The proportions which the same experience has ascertained to be entirely safe, are one of specie to three of paper. If, therefore, the Executive Government had sixty millions of dollars accumulated at the port of New York, in the hands of the receiver-general, represented by sixty millions of Government drafts in circulation, it would be known that twenty of that sixty millions would be sufficient to retain to meet any amount of drafts which, in ordinary times, would be presented for payment. There would then remain forty millions in the vaults, idle and unproductive, and of which no practical use could be made. Well; a great election is at hand in the State of New York, the result of which will seal the fate of an existing Administration. If the application of ten millions of that dormant capital could save, at some future day, a corrupt Ex-

ecutive from overthrow, can it be doubted that the ten millions would be applied to preserve it in power? Again, let us suppose some great exigency to arise: a season of war, creating severe financial pressure and embarrassment. Would not an issue of paper, founded upon and exceeding the specie in the vaults, in some such proportions as experience had demonstrated might be safely emitted, be authorized? Finally, the whole amount of specie might be exhausted, and then, as it is easier to engrave and issue bank-notes than to perform the unpopular office of imposing taxes and burdens, the discovery would be made that the *credit* of the Government was a sufficient basis whereupon to make emissions of paper money, to be redeemed when peace and prosperity returned. Then we should have the days of continental money, and of assignats, restored!

“The system would control you. You could not control the system. Assuming the downfall of the local banks—the inevitable consequence of the operations of this great Government bank; assuming, as I have shown would be the case, that the Government would monopolize the paper issues of the country, and obtain the possession of a great portion of the specie of the country, we should then behold a combined and concentrated moneyed power equal to that of all the existing banks of the United States, with that of the late Bank of the United States superadded. This tremendous power would be wielded by the Secretary of the Treasury, acting under the immediate commands of the President of the United States. Here would be a perfect union of the sword and the

purse; here would be no imaginary, but an actual, visible, tangible consolidation of the moneyed power. Who or what could withstand it? The States themselves would become suppliants at the feet of the Executive for a portion of those paper emissions, of the power to issue which they had been stripped, and which he now exclusively possessed.

"How admirably did the whole system, during the forty years of its existence [Bank of the United States], move and work! And on the two unfortunate occasions of its ceasing to exist, how quickly did the business and transactions of the country run into wild disorder and utter confusion!

"I have been curious, Mr. President, to know whence this idea of receivers-general was derived. It has been supposed to have been borrowed from France. It required all the power of that most extraordinary man that ever lived, Napoleon Bonaparte, when he was in his meridian greatness, to displace the farmers-general, and to substitute in their place the receivers-general. The new system requires, I think I have heard it stated, something like one hundred thousand employees to have it executed. And, notwithstanding the modesty of the infant promises of this new project, I have no doubt that ultimately we shall have to employ a number of persons approximating to that which is retained in France. That will undoubtedly be the case whenever we shall revive the system of internal taxation. In France, what reconciled them to the system was, that Napoleon first, and the Bourbons afterward, were pleased with the immense patronage which it gave them. They

liked to have one hundred thousand dependents to add strength to the throne, which had been recently constructed or reascended. I thought, however, that the learned Chairman of the Committee of Finance must have had some other besides the French model for his receivers-general; and, accordingly, looking into Smith's history of his own State, I found that, when it was yet a colony, some century and a half ago, and when its present noble capital still retained the name of New Amsterdam, the historian says: 'Among the principal laws enacted at this session, we may mention that for establishing the revenue, which was drawn into precedent. The sums raised by it were made payable into the hands of receivers-general, and issued by the governor's warrant. By this means the governor became, for a season, independent of the people, and hence we find frequent instances of the assemblies contending with him for the discharge of debts to private persons, contracted on the faith of the government.' The then governor of the colony was a man of great violence of temper, and arbitrary in his conduct. How the Sub-treasury system of that day operated, the same historian informs us in a subsequent part of his work: 'The revenue,' he says, 'established the last year, was at this session continued five years longer than was originally intended. This was rendering the governor independent of the people. For, at that day, the assembly had no treasure, but the amount of all taxes went, of course, into the hands of the receiver-general, who was appointed by the crown. Out of this fund, moneys were only issuable by the governor's warrant, so

that every officer in the government, from Mr. Blaitwait, who drew annually five per centum out of the revenue, as auditor-general, down to the meanest servant of the public, became dependent solely on the governor. And hence we find the House, at the close of every session, humbly addressing his excellency for the trifling wages of their own clerk.' And, Mr. President, if this measure should unhappily pass, the day may come when the Senate of the United States will have humbly to implore some future President of the United States to grant it money to pay the wages of its own sergeant-at-arms, and doorkeeper."

CHAPTER XI.

THE CAMPAIGN OF 1840—NOMINATION OF GEN. HARRISON TO THE PRESIDENCY—HIS ELECTION—HIS DEATH—ACCESSION OF MR. TYLER—MR. CLAY'S BILL ON THE U. S. BANK—ITS VETO BY PRES. TYLER—MR. CLAY'S SPEECH ON THE VETO—MR. CLAY'S VISIT TO HIS BIRTH-PLACE—INCIDENTS OF THAT OCCASION—MR. CLAY RESIGNS HIS SEAT IN THE SENATE—HIS LETTER TO THE LEGISLATURE OF KENTUCKY—HIS ADDRESS TO THE SENATE ON HIS RESIGNATION—IMPRESSION PRODUCED BY IT.

As the political campaign of 1840 approached, the position and prospects of Mr. Clay were regarded with intense interest by the American people. None could deny that, in point of talents and experience in conducting the affairs of Government, he had no equal, much less a superior, among the rival statesmen and heroes of the time. The only objection against him which seemed to possess any weight, was the fact that he had twice before been nominated for the Presidency, and had twice been defeated; and it was thought that some *novus homo*, unsullied by the dust and sweat of an adverse conflict, would be more available in conducting the party to victory. How much force or reason there might be in such a consideration, we shall not undertake to determine; but it unquestionably had an important influence with the members of the Democratic Whig Convention, which met in Harrisburg on the 4th of December, 1839.

When that body assembled, a plurality of the delegates were personally in favor of Mr. Clay as their nominee for the Presidency. But after a full comparison of views, it was ascertained that his strength was not sufficient to secure the requisite number of votes; and Gen. W. H. Harrison, the hero of Tippecanoe, was finally chosen. When the decision of the Convention became known, it excited much disappointment among many of the friends of Mr. Clay throughout the nation; but he himself, with his usual tact and spirit of conciliation, declared his full acquiescence in the will of those who had been chosen to represent the party. Said he: "Far from feeling any discontent, the nomination will have my best wishes, and receive my cordial support." His promise was fulfilled, and he exerted himself during the campaign which followed, and which was one of the most animated which has occurred in the national history, to insure the victory of the Whigs. General Harrison was elected President, John Tyler, of Virginia, Vice-President; and they entered upon the performance of their official duties on March 4th, 1841.

During the preceding summer Mr. Clay visited the scene of his birth and boyhood, in Hanover County, Virginia. Forty-five years had elapsed since he saw the spot with which his earliest recollections were associated. Then he had quitted it, a poor, dependent, obscure youth. Now he returned to it, an illustrious statesman, whose fame extended over two hemispheres. Then his future fate was uncertain; misfortune had already befallen him; and he left behind him the grave of his father. Now he could

recur to a long series of years, during which he had held the most brilliant positions, had wielded important power in guiding the destiny of a great nation, and had achieved a series of intellectual exploits which attracted the warmest admiration of millions. We may imagine, but cannot describe, the intense emotions which filled his breast while he surveyed the well-remembered spot; while he visited the graves of his father and grandfather, into which, during his boyhood, he had seen some of Tarleton's soldiers running their swords, under the suspicion that money was hidden therein. He found everything changed except the house in which he was born. Orchards and forests which were vigorous and flourishing when last he saw them, had wholly disappeared. A favorite hickory tree, of whose fruit he had so often eaten, and whose topmost branches he had so often scaled, in the adventurous spirit of boyhood, had long since passed away. All reminded him of the transitory nature of human things. At Taylorsville his friends entertained him at a public dinner, and he there addressed the vast multitude who thronged to see and hear the distinguished visitor. He departed from those scenes, which were hallowed by such associations as no other spot except the place of a great man's birth possesses, highly gratified with his reception, and with the sensations excited by the scenes presented to his view.

During the session of Congress which preceded the installation of General Harrison, Mr. Clay was present in the Senate, and took part in the debates which occurred in reference to the land bill, the repeal of the Sub-treasury, the Treasury note bill, the subject of

bankruptcy, and other important measures. Immediately after the adjournment of Congress on the 3d of March, 1841, and the inauguration of the new President, the latter issued a proclamation summoning an extra session to convene on the last Monday of May. Before the arrival of that period, and after he had endured the dignities and toils of office for a month, the President expired on the 4th of April; and John Tyler of Virginia, according to the provisions of the Constitution, assumed the office thus vacated. Congress convened in accordance with the summons of the late President, and entered upon the discussion of several important measures of public policy. The most prominent of these was the incorporation of a national bank adapted to the wants of the people and of the Government.

Mr. Clay had been appointed Chairman of the Committee of Finance; and he proceeded to draw up a report on the subject which thus came within the legitimate range of his duties. In the beginning of June he presented his report containing a plan for a national bank, which he thought unobjectionable. As this subject is one of great and permanent interest to every American citizen, and as the deliberate and mature views of such a man in reference to it possess the utmost value, it will be well to introduce here that plan of a national bank which Mr. Clay regarded as most perfect, and as adapted to produce the most beneficial results upon the financial affairs and interests of the nation. It was as follows:

- I. The capital not to be extravagantly large, but, at the same time, amply sufficient to enable it to per-

form the needful financial duties for the Government; to supply a general currency of uniform value throughout the Union; and to facilitate, as high as practicable, the equalization of domestic exchange. He supposed that about fifty millions would answer all those purposes. The stock might be divided between the General Government, the States, according to their Federal population, and individual subscribers—the portion assigned to the latter to be distributed at auction, or by private subscription.

II. The corporation to receive such an organization as to blend, in fair proportions, public and private control, and combining public and private interests; and, in order to exclude the possibility of the exercise of any foreign influence, non-resident foreigners to be prohibited not only from any share in the administration of the corporation, but from holding, directly or indirectly, any portion of its stock. The bank would thus be in its origin, and continue throughout its whole existence, a genuine American institution.

III. An adequate portion of the capital to be set apart in productive stocks, and placed in permanent security, beyond the reach of the corporation (with the exception of the accruing profits on those stocks) sufficient to pay promptly, in any contingency, the amount of all such paper, under whatever form, that the bank shall put forth as a part of the general circulation. The bill or note-holders, in other words, the mass of the community, ought to be protected against the possibility of the failure or the suspension of the bank. The supply of the circulating medium of a

country is that faculty of a bank, the propriety of the exercise of which may be most controverted. The dealings with a bank of those who obtain discounts or make deposits, are voluntary and mutually advantageous; and they are comparatively few in number. But the reception of what is issued and used as a part of the circulating medium of the country, is scarcely a voluntary act; and thousands take it who have no other concern whatever with the bank. The *many* ought to be guarded and secured by the care of the legislative authority; the vigilance of the *few* will secure themselves against loss.

IV. Perfect publicity as to the state of the bank at all times, including, besides the usual heads of information, the names of every debtor to the bank, whether as drawer, endorser, or surety, periodically exhibited, and open to public inspection; or, if that should be found inconvenient, the right to be secured to any citizen to ascertain at the bank the nature and extent of the responsibility of any of its customers. There is no necessity to throw any veil of secrecy around the ordinary transactions of a bank. Publicity will increase responsibility, repress favoritism, insure the negotiation of good paper, and, when individual insolvency unfortunately occurs, will deprive the bank of undue advantages now enjoyed by banks practically in the distribution of the effects of the insolvent.

V. A limitation of the dividends so as not to authorize more than — per cent. to be struck. This will check undue expansions in the medium, and re-

strain improper extension of business in the administration of the bank.

VI. A prospective reduction in the rate of interest, so as to restrict the bank to six per cent. simply, or, if practicable, to only five per cent. The reduction may be effected by forbearing to exact any bonus, or, when the profits are likely to exceed the prescribed limit of the dividends, by requiring the rates of interest shall be so lowered as that they shall not pass that limit.

VII. A restriction upon the premium demanded upon post-notes and checks used for remittances, so that the maximum should not be more than say one and a half per cent. between any two of the remotest points in the Union. Although it may not be practicable to regulate foreign exchange, depending as it does upon commercial causes not within the control of any one Government, it is otherwise with regard to domestic exchange.

VIII. Every practicable provision against the exercise of improper influence, on the part of the Executive, upon the bank, and, on the part of the bank, upon the elections of the country. The people entertain a just jealousy against the danger of any interference of a bank with the elections of a country, and every precaution ought to be taken strictly to guard against it.

The bill presented by Mr. Clay was passed, after a thorough discussion, and sent to the President for his approval. He returned it immediately with his veto. This act of the Chief Magistrate then became the legitimate subject of discussion in the Senate; and

on A Mr. Clay delivered one of his ablest speeches. It was a memorable display of cogent argument and indignant eloquence — the spirit and power of which the following extracts will furnish an exhibition :

“If it were possible to disinter the venerated remains of James Madison, reanimate his perishing form, and place him once more in that chair of state which he so much adorned, what would have been his course, if this bill had been presented to him, even supposing him never to have announced his acquiescence in the settled judgment of the nation? He would have said, that human controversy, in regard to a single question, should not be perpetual, and ought to have a termination. This, about the power to establish a Bank of the United States, has been long enough continued. The nation, under all the forms of its public action, has often and deliberately decided it. A bank, and associated financial and currency questions which had long slept, were revived, and have divided the nation during the last ten years of arduous and bitter struggle; and the party which put down the bank, and which occasioned all the disorders in our currency and finances, has itself been signally put down by one of those great moral and political revolutions which a free, a patriotic people, can but seldom arouse itself to make. Human infallibility has not been granted by God; and the chances of error are much greater on the side of one man, than on that of the majority of a whole people and their successive Legislatures, during a long period of time. I yield to the irresistible force of authority. I will not put myself in opposi-

tion to a measure so imperatively demanded by the public voice, and so essential to elevate my depressed and suffering countrymen.

“And why should not President Tyler have suffered the bill to become a law without his signature? Without meaning the slightest possible disrespect to him (nothing is further from my heart than the exhibition of any such feeling toward that distinguished citizen, long my personal friend), it cannot be forgotten that he came into his present office under peculiar circumstances. The people did not foresee the contingency which has happened. They voted for him as Vice-President. They did not, therefore, scrutinize his opinions with the care which they probably ought to have done, and would have done, if they could have looked into futurity. If the present state of the fact could have been anticipated — if at Harrisburg, or at the polls, it had been foreseen that General Harrison would die in one short month after the commencement of his administration; that Vice-President Tyler would be elevated to the Presidential chair; that a bill, passed by decisive majorities of the first Whig Congress, chartering a national bank, would be presented for his sanction, and that he would veto the bill, do I hazard anything when I express the conviction, that he would not have received a solitary vote in the nominating convention, nor one solitary electoral vote in any State in the Union?

“Shall I be told that the honor, the firmness, the independence of the chief magistrate might have been drawn in question if he had remained passive, and so

permitted the bill to become a law? I answer, that the office of chief magistrate is a sacred and exalted trust, created and conferred for the benefit of the nation, and not for the private advantage of the person who fills it. Can any man's reputation for firmness, independence, and honor, be of more importance than the welfare of a great people? There is nothing, in my humble judgment, in such a course, incompatible with honor, with firmness, with independence, properly understood. Certainly, I most respectfully think, in reference to a measure like this, recommended by such high sanctions — by five Congresses, by the authority of four Presidents, by repeated decisions of the Supreme Court, by the acquiescence and judgment of the people of the United States during long periods of time, by its salutary operation on the interests of the community for a space of forty years, and demanded by the people whose suffrages placed President Tyler in that second office, whence he was translated to the first, that he might have suppressed the promptings of all personal pride of private opinion, if any arose in his bosom, and yielded to the wishes and wants of his country. Nor do I believe that, in such a course, he would have made the smallest sacrifice, in a just sense, of personal honor, firmness, or independence.

“But, sir, there was still a third alternative, to which I allude, not because I mean to intimate that it should be embraced, but because I am reminded of it by a memorable event in the life of President Tyler. It will be recollected that, after the Senate had passed the resolutions declaring the removal of

the public deposits from the late Bank of the United States to have been derogatory to the Constitution and laws of the United States, for which resolution President. then Senator Tyler, had voted, the General Assembly of Virginia instructed the Senators from that State to vote for the expunging of that resolution. Senator Tyler declined voting in conformity with that instruction, and resigned his seat in the Senate of the United States. This he did because he could not conform, and did not think it right to go counter to the wishes of those who had placed him in the Senate. If, when the people of Virginia, or the General Assembly of Virginia, were his only constituency, he would not set up his own particular opinion, in opposition to theirs, what ought to be the rule of his conduct when the people of twenty-six States—a whole nation—compose his constituency? Is the will of the constituency of one State to be respected, and that of twenty-six to be wholly disregarded? Is obedience due only to the single State of Virginia? The President admits that the bank question deeply agitated, and continues to agitate the nation. It is incontestable that it was the great, absorbing, and controlling question in all our recent divisions and exertions. I am firmly convinced, and it is my deliberate judgment, that an immense majority, not less than two-thirds of the nation, desire such an institution. All doubts in this respect ought to be dispelled by the recent decisions of the two Houses of Congress. I speak of them *as evidence* of popular opinion. In the House of Representatives the majority was *one hundred and thirty-one to one hundred*. If the House

had been full, and but for the modification of the sixteenth fundamental condition, there would have been a probable majority of forty-seven. Is it to be believed that this large majority of the immediate representatives of the people, fresh from among them, and to whom the President seemed inclined, in his opening message, to refer this very question, have mistaken the wishes of their constituents?"

Mr. Rives of Virginia undertook to reply to this argument of Mr. Clay. After the conclusion of his speech, it was not the purpose of the Kentucky senator to respond, as he had already given utterance to all he had intended to say on the subject, and had taken no notes of the remarks of Mr. Rives. Mr. Clay was, however, requested to address the Senate again; he complied; and in doing so delivered one of the most eloquent outbursts ever heard in that chamber. Its concluding torrent, worthy of the best days and the noblest efforts of Cicero, was as follows:

"I have no desire," said Mr. Clay, "to prolong this unpleasant discussion; but I must say that I heard with great surprise and regret the closing remark, especially, of the honorable gentleman from Virginia, as, indeed, I did many of those which preceded it. That gentleman stands in a peculiar situation. I found him several years ago in the half-way house, where he seems afraid to remain, and from which he is yet unwilling to go. I had thought, after the thorough riddling which the roof of the house had received in the breaking up of the pet-bank system, he would have fled somewhere else for refuge; but there he still stands, solitary and alone, shivering

and pelted by the pitiless storm. The Sub-treasury is repealed; the pet-bank system is abandoned; the United States Bank bill is vetoed; and now, when there is as complete and perfect a reunion of the purse and the sword in the hands of the executive as ever there was under General Jackson or Mr. Van Buren, the Senator is for doing nothing! The Senator is for going home, leaving the Treasury and the country in their lawless condition! Yet no man has heretofore, more than he has, deplored and deprecated a state of things so utterly unsafe, and repugnant to all just precautions, indicated alike by sound theory and experience in free governments. And the Senator talks to us about applying to the wisdom of practical men, in respect to banking, and advises further deliberation! Why, I should suppose that we are at present in the very best situation to act upon the subject. Besides the many painful years we have had for deliberation, we have been near three months almost exclusively engrossed with the very subject itself. We have heard all manner of facts, statements, and arguments, in any way connected with it. We understand, it seems to me, all we ever can learn or comprehend about a national bank. And we have, at least, some conception too of what sort of one will be acceptable at the other end of the avenue. Yet now, with a vast majority of the people of the entire country crying out to us for a bank; with the people throughout the whole valley of the Mississippi rising in their majesty, and demanding it as indispensable to their well-being, and pointing to their losses, their sacrifices, and their sufferings, for the want of such

an institution: in such a state of things, we are gravely and coldly told by the honorable Senator from Virginia, that we had best go home, leaving the purse and the sword in the uncontrolled possession of the President, and, above all things, never to make a party bank! Why, sir, does he, with all his knowledge of the conflicting opinions which prevail here, and have prevailed, believe that we ever can make a bank but by the votes of one party who are in favor of it, in opposition to the votes of another party against it? I deprecate this expression of opinion from that gentleman the more, because, although the honorable Senator professes not to know the opinions of the President, it certainly does turn out in the sequel, that there is a most remarkable *coincidence* between those opinions and his own; and he has, on the present occasion, defended the motives and the course of the President with all the solicitude and all the fervent zeal of a member of his *privy council*. There is a rumor abroad, that a cabal exists — a new sort of kitchen cabinet — whose object is the dissolution of the regular cabinet, the dissolution of the Whig party, the dispersion of Congress without accomplishing any of the great purposes of the extra session, and a total change, in fact, in the whole face of our political affairs. I hope, and I persuade myself, that the honorable Senator is not, can not be, one of the component members of such a *cabal*; but I must say, that there has been displayed by the honorable Senator to-day, a predi-position, astonishing and inexplicable, to misconceive almost all of what I have said, and a perseverance, after repeated corrections,

in misunderstanding—for I will not charge him with wilfully and intentionally misrepresenting—the whole spirit and character of the address which, as a man of honor and as a Senator, I felt myself bound in duty to make to this body.

“The Senator begins with saying that I charge the President with ‘perfidy?’ Did I use any such language? I appeal to every gentleman who heard me, to say whether I have, in a single instance, gone beyond a fair and legitimate examination of the Executive objections to the bill. Yet he has charged me with ‘arraigning’ the President, with indicting him in various counts, and with imputing to him motives such as I never even intimated or dreamed; and that, when I was constantly expressing, over and over, my personal respect and regard for President Tyler, for whom I have cherished an intimate personal friendship of twenty years’ standing, and while I expressly said, that if that friendship should now be interrupted, it should not be my fault! Why, sir, what possible, what conceivable motive can I have to quarrel with the President, or to break up the Whig party? What earthly motive can impel me to wish for any other result than that that party shall remain in perfect harmony, undivided, and shall move undismayed, boldly and unitedly forward to the accomplishment of the all-important public objects which it has avowed to be its aim? What imaginable interest or feeling can I have other than the success, the triumph, the glory of the Whig party? But that there may be designs and purposes on the part of certain other individuals to place me in inimical rela-

tions with the President, and to represent me as personally opposed to him, I can well imagine — individuals who are beating up for recruits, and endeavoring to form a third party, with materials so scanty as to be wholly insufficient to compose a decent corporal's guard."

Mr. Clay had expressed his intention to resign his seat in the Senate, and to retire from public life, as early as November, 1840. After the death of General Harrison, and the accession of Mr. Tyler, he had deferred the execution of his purpose, in order to carry through the several measures to which we have already adverted. He had been entirely disappointed in the policy pursued by President Tyler, with whom, at the commencement of his administration, he had been on the most friendly terms. He frequently visited him at the "White House," dined with him, and held consultations with him on public affairs. On these occasions Mr. Tyler assured him that he had formed no opinions adverse to a national bank; and therefore when the bill to establish such an institution was vetoed by the President, the blow was unexpected by Mr. Clay, and very naturally alienated him from his former friend. He now determined to execute his purpose of withdrawing from the Senate. On the 16th of February, 1842, he sent the following letter of resignation to the Legislature of Kentucky:

"When I last had the honor of an appointment as one of the United States Senators from Kentucky, I intimated, in my letter of acceptance, the probability of my not serving out the whole term of six years. In consequence of there having been two extra ses-

sions of Congress, I have already attended, since that appointment, as many sessions of Congress as ordinarily happen during a Senatorial term, without estimating my services at the present session.

“I have for several years desired to retire to private life, but have been hitherto prevented from executing my wish from considerations of public duty. I should have resigned my seat in the Senate at the commencement of the present session, but for several reasons, one of which was, that the General Assembly did not meet until near a month after Congress, during which time the State would not have been fully represented, or my successor would have had only the uncertain title of an Executive appointment.

“The time has now arrived when I think that, without any just reproach, I may quit the public service, and bestow some attention on my private affairs, which have suffered much by the occupation of the largest portion of my life in the public councils. If the Roman veteran had title to discharge after thirty years’ service, I, who have served a much longer period, may justly claim mine.

“I beg leave, therefore, to tender to the General Assembly, and do now hereby tender, my resignation of the office which I hold, of Senator in the Senate of the United States, from the State of Kentucky, to take effect on the 31st of March, 1842; and I request that the General Assembly will appoint my successor to take his seat on that day. I have fixed that day to allow me an opportunity of assisting in

the completion of some measures which have been originated by me.

"I embrace this opportunity to offer to the General Assembly my most profound and grateful acknowledgments for the numerous and distinguished proofs by which I have been honored, of its warm attachment and generous confidence, during a long series of years."

On the 31st of March, 1842, Mr. Clay formally announced to the Senate the resignation of his seat, and took leave of that body in a speech of great beauty and pathos. He thought the withdrawal was his last, and that he should never more appear in that chamber which had been the scene of so many triumphs and forensic splendors on his part. His purpose had become known to the public; and the hall and adjacent passages were crowded on the occasion with an audience of both sexes, such as rarely graced the efforts of an orator, even at the seat of the Federal Government. He arose for the purpose ostensibly of presenting the credentials of Mr. Crittenden, his successor, as Senator from Kentucky. On no occasion, during his long public career, did he acquit himself with more ability and success than in the execution of this difficult and delicate task. During the delivery of the remarks which followed the presentation of the credentials, the sympathies of his hearers became deeply affected; and many eyes, unused to melting moods, were suffused with tears, while the aged and eloquent statesman described, with that graceful easy dignity, and with that mellifluous sweetness of tone, which have been equalled

by no orator ancient or modern,—his long and arduous career, the memorable scenes he had witnessed, and in which he had participated, connected with the nation's history; and then expressed his intention to withdraw from that arena to private life, and uttered his best wishes for the welfare of his late associates, his hearers and his countrymen. The conclusion of this remarkable oration was as follows:

“During that long period, however, I have not escaped the fate of other public men, nor failed to incur censure and detraction of the bitterest, most unrelenting, and most malignant character; and though not always insensible to the pain it was meant to inflict, I have borne it in general with composure, and without disturbance here [pointing to his breast], waiting as I have done, in perfect and undoubted confidence, for the ultimate triumph of justice and of truth, and in the entire persuasion that time would settle all things as they should be, and that whatever wrong or injustice I might experience at the hands of man, He, to whom all hearts are open and fully known, would, by the inscrutable dispensations of His providence, rectify all error, redress all wrong, and cause ample justice to be done.

“But I have not meanwhile been unsustained. Everywhere throughout the extent of this great continent I have had cordial, warm-hearted, faithful, and devoted friends, who have known me, loved me, and appreciated my motives. To them, if language were capable of fully expressing my acknowledgments, I would now offer all the return I have the power to make for their genuine, disinterested, and persevering

fidelity and devoted attachment, the feelings and sentiments of a heart overflowing with never-ceasing gratitude. If, however, I fail in suitable language to express my gratitude to *them* for all the kindness they have shown to me, what shall I say, what *can* I say at all commensurate with those feelings of gratitude with which I have been inspired by the State whose humble representative and servant I have been in this chamber? [Here Mr. Clay's feelings overpowered him, and he proceeded with deep sensibility and difficult utterance.]

“I emigrated from Virginia to the State of Kentucky now nearly forty-five years ago; I went as an orphan boy who had not yet attained the age of majority—who had never recognized a father's smile, nor felt his warm caresses—poor, penniless, without the favor of the great—with an imperfect and neglected education, hardly sufficient for the ordinary business and common pursuits of life; but scarce had I set my foot upon her generous soil, when I was embraced with parental fondness, caressed as though I had been a favorite child, and patronized with liberal and unbounded munificence. From that period the highest honors of the State have been freely bestowed upon me; and when, in the darkest hour of calumny and detraction, I seemed to be assailed by all the rest of the world, she interposed her broad and impenetrable shield, repelled the poisoned shafts that were aimed for my destruction, and vindicated my good name from every malignant and unfounded aspersion. I return with indescribable pleasure to linger awhile longer, and mingle with the warm-hearted and

whole-souled people of that State; and, when the last scene shall forever close upon me, I hope that my earthly remains will be laid under her green sod with those of her gallant and patriotic sons.

“But the ingenuity of my assailants is never exhausted. It seems I have subjected myself to a new epithet, which I do not know whether to take in honor or derogation; I am held up to the country as a ‘dictator.’ A dictator! The idea of a dictatorship is drawn from Roman institutions; and at the time the office was created, the person who wielded the tremendous weight of authority it conferred, concentrated in his own person an absolute power over the lives and property of all his fellow-citizens; he could levy armies; he could build and man navies; he could raise any amount of revenue he might choose to demand; and life and death rested on his fiat. If I were a dictator, as I am said to be, where is the power with which I am clothed? Have I any army? any navy? any revenue? any patronage? in a word, any power whatever? If I had been a dictator, I think that even those who have the most freely applied to me the appellation, must be compelled to make two admissions: first, that my dictatorship has been distinguished by no cruel executions, stained by no blood, sullied by no act of dishonor; and I think they must also own (though I do not exactly know what date my commission of dictator bears—I suppose, however, it must have commenced with the extra session), that if I did usurp the power of a dictator, I at least voluntarily surrendered it within a shorter

period than was allotted for the duration of the dictatorship of the Roman commonwealth.

“If to have sought at the extra session and at the present, by the co-operation of my friends, to carry out the great measures intended by the popular majority of 1840, and to have earnestly wished that they should all have been adopted and executed; if to have ardently desired to see a disordered currency regulated and restored, and irregular exchanges equalized and adjusted; if to have labored to replenish the empty coffers of the treasury by suitable duties; if to have endeavored to extend relief to the unfortunate bankrupts of the country, who had been ruined in a great measure by the erroneous policy, as we believed, of this Government; to limit, circumscribe, and reduce Executive authority; to retrench unnecessary expenditure and abolish useless offices and institutions, and to preserve the public honor untarnished by supplying a revenue adequate to meet the national engagements, and incidental protection to the national industry; if to have entertained an anxious solicitude to redeem every pledge, and execute every promise fairly made by my political friends, with a view to the acquisition of power from the hands of an honest and confiding people; if these constitute a man a **DICTATOR**, why, then, I must be content to bear, although I still ought only to share with my friends the odium or the honor of the epithet, as it may be considered on the one hand or the other.

“That my nature is warm, my temper ardent, my disposition, especially in relation to the public ser-

vice, enthusiastic, I am ready to own ; and those who suppose that I have been assuming the dictatorship, have only mistaken for arrogance or assumption that ardor and devotion which are natural to my constitution, and which I may have displayed with too little regard to cold, calculating, and cautious prudence, in sustaining and zealously supporting important national measures of policy which I have presented and espoused.

“In the course of a long and arduous public service, especially during the last eleven years in which I have held a seat in the Senate, from the same ardor and enthusiasm of character, I have no doubt, in the heat of debate, and in an honest endeavor to maintain my opinions against adverse opinions alike honestly entertained, as to the best course to be adopted for the public welfare, I may have often inadvertently and unintentionally, in moments of excited debate, made use of language that has been offensive, and susceptible of injurious interpretation toward my brother Senators. If there be any here who retain wounded feelings of injury or dissatisfaction produced on such occasions, I beg to assure them that I now offer the most ample apology for any departure on my part from the established rules of parliamentary decorum and courtesy. On the other hand, I assure Senators, one and all, without exception and without reserve, that I retire from this chamber without carrying with me a single feeling of resentment or dissatisfaction to the Senate or any one of its members.

“I go from this place under the hope that we shall,

mutually, consign to perpetual oblivion whatever personal collisions may at any time unfortunately have occurred between us; and that our recollections shall dwell in future only on those conflicts of mind with mind, those intellectual struggles, those noble exhibitions of the powers of logic, argument, and eloquence, honorable to the Senate and to the nation, in which each has sought and contended for what he deemed the best mode of accomplishing one common object, the interest and the most happiness of our beloved country. To these thrilling and delightful scenes it will be my pleasure and my pride to look back in my retirement with unmeasured satisfaction.

“And now, Mr. President, allow me to make the motion which it was my object to submit when I rose to address you. I present the credentials of my friend and successor [Hon. J. J. Crittenden]. If any void has been created by my withdrawal from the Senate, it will be amply filled by him, whose urbanity, whose gallant and gentlemanly bearing, whose steady adherence to principle, and whose rare and accomplished powers in debate, are known to the Senate and to the country. I move that his credentials be received, and that the oath of office be now administered to him.

“In retiring, as I am about to do, for ever, from the Senate, suffer me to express my heartfelt wishes that all the great and patriotic objects of the wise framers of our Constitution may be fulfilled; that the high destiny designed for it may be fully answered; and that its deliberations, now and hereafter, may eventuate in securing the prosperity of our beloved coun-

try, in maintaining its rights and honor abroad, and upholding its interests at home. I retire, I know, at a period of infinite distress and embarrassment. I wish I could take my leave of you under more favorable auspices; but, without meaning at this time to say whether on any or on whom reproaches for the sad condition of the country should fall, I appeal to the Senate and to the world to bear testimony to my earnest and continued exertions to avert it, and to the truth that no blame can justly attach to me.

“May the most precious blessings of Heaven rest upon the whole Senate and each member of it, and may the labors of every one redound to the benefit of the nation and the advancement of his own fame and renown. And when you shall retire to the bosom of your constituents, may you receive that most cheering and gratifying of all human rewards—their cordial greeting of ‘Well done, good and faithful servant.’

“And now, Mr. President, and Senators, I bid you all a long, a lasting, and a friendly farewell.”

CHAPTER XII.

MR. CLAY'S RETURN TO PRIVATE LIFE — THE LEXINGTON BARBECUE — HIS SPEECH ON THIS OCCASION — HIS VISIT TO RICHMOND, INDIANA — INCIDENT IN REFERENCE TO THE SLAVERY QUESTION — HIS SPEECH ON THIS OCCASION — HIS VISIT TO DAYTON, OHIO — HIS JOURNEY TO THE SOUTH-EASTERN STATES — ENTHUSIASTIC RECEPTIONS DURING THE PROGRESS OF HIS JOURNEY — HE SOJOURNS AT WASHINGTON — IS NOMINATED FOR THE PRESIDENCY BY THE WHIG CONVENTION AT BALTIMORE — HE RETURNS TO ASHLAND.

AFTER withdrawing from public life Mr. Clay returned to Kentucky. But though no longer engaged in the official service of his country, he was still the object of general interest; and he received many proofs of the continued admiration with which he was regarded by those whom he had so long and ably represented in the councils of the nation. On the 9th of June, 1842, a public entertainment, known by the name of *Barbecue*, was prepared for him at Lexington, and an immense assemblage of persons, not only from that vicinity, but also from neighboring States, convened to increase the interest of the occasion, and to gratify the laudable curiosity which they felt to see and hear the man whose fame already extended so widely and soared so loftily.

On this occasion he delivered a speech two hours in length. It was of a purely popular character, em-

bracing a variety of subjects, and was received with the utmost enthusiasm. Chief-Justice Robertson of Kentucky presided; and having opened the proceedings, concluded his speech by offering the following enthusiastic sentiment:

“Henry Clay—farmer of Ashland, patriot and philanthropist—the American statesman, and unrivalled orator of the age—illustrious abroad, beloved at home: in a long career of eminent public service, often, like Aristides, he breasted the raging storm of passion and delusion, and by offering himself a sacrifice, saved the republic; and now, like Cincinnatus and Washington, having voluntarily retired to the tranquil walks of private life, the grateful hearts of his countrymen will do him ample justice; but come what may, Kentucky will stand by him, and still continue to cherish and defend, as her own, the fame of a son who has emblazoned her escutcheon with immortal renown.”

After the adoption of this sentiment by the approving plaudits of myriads, Mr. Clay commenced his speech. He embraced the occasion to review the history and some of the events of his own public life; and in the course of it made the following remarks in reference to the charge of bribery and corruption which had so long and so repeatedly been urged against him:

“I will take this occasion now to say that I am, and have been long satisfied, that it would have been wiser and more politic in me to have declined accepting the office of Secretary of State in 1825. Not that my motives were not as pure and as patriotic as

ever carried any man into public office. Not that the calumny which was applied to the fact was not as gross and as unfounded as any that was ever propagated. [Here somebody cried out that Mr. Carter Beverley, who had been made the organ of announcing it, had recently borne testimony to its being unfounded.] Mr. Clay said it was true that he had voluntarily borne such testimony. But, with great earnestness and emphasis Mr. Clay said, I want no testimony—here, here, HERE [repeatedly touching his heart, amid tremendous cheers]. HERE is the best of all witnesses of my innocence. Not that valued friends and highly-esteemed opponents did not unite in urging my acceptance of the office. Not that the administration of Mr. Adams will not, I sincerely believe, advantageously compare with any of his predecessors in economy, purity, prudence, and wisdom. Not that Mr. Adams was himself wanting in any of those high qualifications and upright and patriotic intentions which were suited to the office. Of that extraordinary man, of rare and varied attainments, whatever diversity of opinion may exist as to his recent course in the House of Representatives (and candor obliges me to say that there are some things in it which I deeply regret), it is with no less truth than pleasure I declare that, during the whole period of his administration, annoyed, assailed, and assaulted as it was, no man could have shown a more devoted attachment to the Union and all its great interests, a more ardent desire faithfully to discharge his whole duty, or brought to his aid more useful experience and knowledge, than he did. I never transacted

business with any man, in my life, with more ease, satisfaction, and advantage, than I did with that most able and ind-fatigable gentleman, as President of the United States. And I will add, that more harmony never prevailed in any Cabinet than in his.

“But my error in accepting the office, arose out of my underrating the power of detraction and the force of ignorance, and abiding with too sure a confidence in the conscious integrity and uprightness of my own motives. Of that ignorance I had a remarkable and laughable example on an occasion which I will relate. I was travelling, in 1828. through I believe it was Spottsylvania County, in Virginia, on my return to Washington, in company with some young friends. We halted at night at a tavern, kept by an aged gentleman who, I quickly perceived, from the disorder and confusion which reigned, had not the happiness to have a wife. After a hurried and bad supper, the old gentleman sat down by me, and without hearing my name, but understanding that I was from Kentucky, remarked that he had four sons in that State, and that he was very sorry they were divided in politics. two being for Adams, and two for Jackson; he wished they were all for Jackson. ‘Why?’ I asked him. ‘Because,’ he said, ‘that fellow Clay, and Adams, had cheated Jackson out of the Presidency.’ ‘Have you ever seen any evidence, my old friend,’ said I, ‘of that?’ ‘No,’ he replied, ‘none, and I want to see none.’ ‘But,’ I observed, looking him directly and steadily in the face, ‘suppose Mr. Clay were to come here and assure you, upon his honor, that it was all a vile calumny, and not a word of truth

in it, would you believe him?' 'No,' replied the old gentleman, promptly and emphatically. I said to him, in conclusion, 'Will you be good enough to show me to bed?' and bade him good night. The next morning, having in the interval learned my name, he came to me full of apologies; but I at once put him at his ease by assuring him that I did not feel in the slightest degree hurt or offended with him.

"Mr. President, I have been accused of ambition, often accused of ambition. If to have served my country during a long series of years with fervent zeal and unshaken fidelity, in seasons of peace and war, at home and abroad, in the legislative halls and in an executive department; if to have labored most sedulously to avert the embarrassment and distress which now overspread this Union, and when they came, to have exerted myself anxiously, at the extra session and at this, to devise healing remedies; if to have desired to introduce economy and reform in the general administration, curtail enormous executive power, and amply provide, at the same time, for the wants of the Government and the wants of the people, by a tariff which would give it revenue and them protection; if to have earnestly sought to establish the bright but too rare example of a party in power faithful to its promises and pledges made when out of power; if these services, exertions, and endeavors, justify the accusation of ambition, I must plead guilty to the charge.

"I have wished the good opinion of the world; but I defy the most malignant of my enemies to show that I have attempted to gain it by any low or grovel-

ling arts, by any mean or unworthy sacrifices, by the violation of any of the obligations of honor, or by a breach of any of the duties which I owed to my country.

“I turn, sir, from these personal allusions and reminiscences, to the vastly more important subject of the present actual condition of this country. If they could ever be justifiable or excusable, it would be on such an occasion as this, when I am addressing those to whom I am bound by so many intimate and friendly ties.”

Several months after this occasion, on the 1st of October, 1842, Mr. Clay visited Richmond, Indiana, and addressed a large assembly which was attracted to the place by the rumor that the illustrious statesman was present. On this occasion an incident of some importance and significance occurred, which deserves to be narrated. A number of his political opponents, together with a few Abolitionists of extreme views, embraced the opportunity to elicit his opinions in reference to slavery, and perhaps to embarrass him by a direct petition that he would, as the advocate of human rights and universal liberty, immediately manumit his own slaves. A person named Mendenhall was selected to perform the chief *rôle* on this occasion. While engaged in delivering his speech, Mr. Mendenhall approached the platform, at the head of the committee, holding the petition in his hand. Mr. Clay immediately paused, and ascertained the import of the document. When the facts became known to the assembly, they were exceedingly indignant at the insult which they thought was thus offered to their

distinguished visitor; and it is probable that the intruder would have received some personal violence, had not Mr. Clay himself interposed. He addressed the multitude, and said earnestly :

“I hope that Mr. Mendenhall may be treated with the greatest forbearance and respect. I assure my fellow-citizens, here collected, that the presentation of the petition has not occasioned the slightest pain, nor excited one solitary disagreeable emotion. If it were to be presented to me, I prefer that it should be done in the face of this vast assemblage. I think I can give it such an answer as becomes me and the subject of which it treats. At all events, I entreat and beseech my fellow-citizens, for their sake, for my sake, to offer no disrespect, no indignity, no violence, in word or deed, to Mr. Mendenhall.” Then, turning to Mr. Mendenhall : “Allow me to say, that I think you have not conformed to the independent character of an American citizen in presenting a *petition* to me. A petition, as the term implies, generally proceeds from an inferior in power or station to a superior; but between us there is entire equality.”

When order was restored, Mr. Clay proceeded to answer the appeal thus made to him; and he acquitted himself in this rather novel and perplexing dilemma with his usual tact and ability. He proceeded to express his views in reference to the institution of slavery, and the difficulties which inevitably surrounded the subject. Said he :

“I know the predominant sentiment in the free States is adverse to slavery; but, happy in their own exemption from whatever evils may attend it, the

great mass of our fellow-citizens there do not seek to violate the Constitution, or to disturb the harmony of these States. I desire no concealment of my opinions in regard to the institution of slavery. I look upon it as a great evil, and deeply lament that we have derived it from the parental Government, and from our ancestors. I wish every slave in the United States was in the country of his ancestors. But here they are, and the question is, how can they be best dealt with? If a state of nature existed, and we were about to lay the foundations of society, no man would be more strongly opposed than I should be to incorporate the institution of slavery among its elements. But there is an incalculable difference between the original formation of society and a long-existing organized society, with its ancient laws, institutions, and establishments. Now, great as I acknowledge, in my opinion, the evils of slavery are, they are nothing, absolutely nothing, in comparison with the far greater evils which would inevitably flow from a sudden, general, and indiscriminate emancipation. In some of the States the number of slaves approximates toward an equality with that of the whites; in one or two they surpass them. What would be the condition of the two races in those States, upon the supposition of an immediate emancipation? Does any man suppose that they would become blended into one homogeneous mass? Does any man recommend amalgamation—that revolting admixture, alike offensive to God and man? for those whom He, by their physical properties, has made unlike and put asunder, we may, without presumptuousness, suppose

were never intended to be joined together in one of the holiest rites. And let me tell you, sir, if you do not already know it, that such are the feelings—prejudice, if you please (and what man, claiming to be a statesman, will overlook or disregard the deep-seated and unconquerable prejudices of the people?)—in the slave States, that no human law could enforce a union between the two races.

“What then would certainly happen? A struggle for political ascendancy; the blacks seeking to acquire, and the whites to maintain, possession of the government. Upon the supposition of a general immediate emancipation in those States where the blacks outnumber the whites, they would have nothing to do but to insist upon another part of the same declaration of independence, as Dorr and his deluded Democratic followers recently did in Rhode Island; according to which, an undefined majority have the right, at their pleasure, to subvert an existing government, and institute a new one in its place; and then the whites would be brought in complete subjection to the blacks! A contest would inevitably ensue between the two races—civil war, carnage, pillage, conflagration, devastation, and the ultimate extermination or expulsion of the blacks. Nothing is more certain. And are not these evils far greater than the mild and continually improving state of slavery which exists in this country? I say continually improving; for if this gratifying progress in the amelioration of the condition of the slaves has been checked in some of the States, the responsibility must attach to the unfortunate agitation of the sub-

ject of abolition. In consequence of it, increased rigor in the police, and further restraints have been imposed; and I do believe that gradual emancipation (the only method of liberation that has ever been thought safe or wise by anybody in any of the slave States) has been postponed half a century."

In concluding this portion of his speech Mr. Clay remarked: "I shall, Mr. Mendenhall, take your petition into respectful and deliberate consideration; but before I come to a final decision, *I should like to know what you and your associates are willing to do for the slaves in my possession, if I should think proper to liberate them?* I own about fifty, who are probably worth fifteen thousand dollars. To turn them loose upon society, without any means of subsistence or support, would be an act of cruelty. Are you willing to raise and secure the payment of fifteen thousand dollars for their benefit, if I should be induced to free them? The security of the payment of that sum would materially lessen the obstacle in the way of their emancipation."

Soon after this incident, and during the progress of the same journey, Mr. Clay visited Dayton, Ohio, where he addressed one of the largest multitudes ever convened in this country, consisting probably of a hundred thousand persons. A procession was formed which marched by the spot at which Mr. Clay stood, and greeted him with repeated and protracted applause. He himself declared that he had never beheld during his long and adventurous life, so vast and so enthusiastic an assembly. Similar scenes occurred afterward in December at New Orleans, at

Natchez in February, 1843, at Mobile and Vicksburg, at Jackson, in Mississippi, and at Memphis, Tennessee. This journey, which was undertaken partly on business, and partly to gratify the solicitation of friends in various parts of the country, was a continual and unparalleled ovation of public admiration and applause, which could not but be highly gratifying to the illustrious recipient of it.

The year 1843 was spent by Mr. Clay partly in the welcome retirement of his home at Ashland, partly in making several journeys of business and recreation to the Southern and South-eastern States. On the 10th of July he was present and spoke at Raleigh, North Carolina; in December he again visited New Orleans; in March, 1844, Columbus and Macon in Georgia. On the 1st of April, he arrived at Columbia, South Carolina, on the 6th he reached Charleston, and on the 12th he stopped at Raleigh. He then continued his journey northward to Norfolk, and through Virginia to Washington.

During his sojourn at the seat of Government, one of the most important incidents of Mr. Clay's eventful life occurred. Twice already had he been nominated to the highest office in the gift of the nation, and twice had he been defeated. The administration of Mr. Tyler was now approaching its termination, and his successor was to be nominated. The Whig party was then a powerful organization, which, in the last contest, had placed General Harrison triumphantly in the Presidency; and it was reasonably inferred that the same success would attend their efforts in the struggle which was about to ensue. No man

then living in the United States was regarded by the Whigs with such unqualified admiration, and none seemed to enjoy such general popularity with the mass of the nation, hostile politicians alone excepted, as Henry Clay. Hence it was that, when he was nominated unanimously and by acclamation for the Presidency by the National Whig Convention which convened at Baltimore on the 12th of May, 1844, the nomination was received with the most extraordinary enthusiasm; inevitable success was prognosticated by his partisans, and hopelessly deprecated by his opponents. This feeling was, if possible, increased, when the Democratic National Convention assembled in Baltimore, selected James K. Polk, of Tennessee, the friend and *protégé* of General Jackson, as the rival of Mr. Clay; whose inferior he seemed to be in all the qualities favorable to the attainment of success. The Whigs nominated Theodore Frelinghuysen, the Democrats, George M. Dallas, for the Vice Presidency. On the 18th of May Mr. Clay left Washington, and returned to his home in Kentucky.

CHAPTER XIII.

THE PRESIDENTIAL CAMPAIGN OF 1844 — REVIVAL OF THE "BARGAIN AND SALE" SLANDER — CHARACTERISTICS OF THE CONTEST — ITS UNEXPECTED RESULT — DEFEAT OF THE WHIGS — DISAPPOINTMENT OF MR. CLAY'S FRIENDS — VARIOUS PROOFS OF THEIR ATTACHMENT TO HIM — THE MEXICAN WAR — DEATH OF HENRY CLAY, JR. — MR. CLAY JOINS THE CHURCH — HIS SPEECH ON THE MEXICAN WAR — HIS VIEWS ON SLAVERY — HIS VISIT TO THE NORTH — HIS RECEPTION.

THE Presidential contest of the year 1844 was one of the most excited and animated which has occurred in the history of the nation. The enthusiasm of hope on the one hand, and the energy of despair on the other, induced both parties to put forth the most vigorous efforts to attain success. Intense bitterness was infused into the contest by the revival of the old slander in reference to Mr. Clay's bargain and sale with Mr. Adams; the key-note of which was given by General Jackson, who, from the calm retirement of the Hermitage, on the 3d of May, published a card in the "Nashville Union" reaffirming the accusation. It was as follows:

"GENTLEMEN: My attention has been called to various newspapers articles, referring to a letter said to have been written by me to General Hamilton, recanting the charge of bargain made against Mr. Clay, when he voted for Mr. Adams in 1825.

“To put an end to all such rumors, I feel it to be due to myself to state, that I have no recollection of ever having written such a letter, and do not believe there is a letter from me to General Hamilton, or any one else, that will bear such a construction. Of the charges brought against both Mr. Adams and Mr. Clay, at that time, I formed my opinion as the country at large did—from facts and circumstances that were indisputable and conclusive; and I may add, that this opinion has undergone no change.

“If General Hamilton, or any one else, has a letter from me on this subject, all that they have to do, is to apply to him for it. As for myself, I have no secrets, and do not fear the publication of all that I have ever written on this or any other subject.”

It is probable that the revival of this calumny had its effect on the minds of many, especially of those whose former political preferences and animosities were recalled to life by it. Beside all the usual legitimate methods and contrivances which are used during Presidential campaigns by all parties, there were other expedients resorted to on this occasion which were not so commendable. The private life of Mr. Clay was dragged into disagreeable prominence, and unwarrantable liberties were taken with it. Old reports respecting indulgences and vices of which he was said to have been guilty during the years of his early manhood, were reproduced and widely disseminated as appertaining to later and more recent periods of his life; and the epithets of gambler, profane swearer, sabbath-breaker, debauchee, were freely and unblushingly applied to him. The

cry of Native Americanism was raised against Mr. Frelinghuysen, the Whig nominee for the Vice-Presidency; and the utmost efforts were made to defeat the ticket by convincing the foreign population of the United States that the triumph of the Whigs would result in the downfall of their liberties, in the burning of their churches, in the murder of their wives and children, in untold horrors and indescribable calamities — all which results could be averted only by the success of the Democratic party.

In regard to the slavery question, many of Mr. Clay's opponents represented him in a twofold and equally false position. At the North he was described as an ultra partisan of slavery, obstinately and resolutely bent upon its protection and extension. At the South he was depicted as a rabid Abolitionist, who had already made several efforts to exterminate the institution within the limits of Kentucky, and who in future would continue to wage a war of extermination against it. Often the language used by Mr. Cassius M. Clay was knowingly and intentionally applied to his illustrious namesake; who was thus made to bear the consequences of his irresponsible acts and speeches. On the other hand, Mr. Polk's views and policy were variously represented; at the North as a devoted friend of the tariff, and a determined opponent of the annexation of Texas. At the South he was depicted and applauded as the mortal foe of the tariff, and as resolutely bent on immediate and unconditional annexation. While these operations were going forward, a third party was skilfully brought into the field, whose only effect would inevi-

tably be, to weaken the forces of the Whigs, while they were utterly impotent in securing the triumph of their own organization. This was the Abolition party, who nominated James G. Birney for the Presidency, and gave him their ballots; which, under such circumstances, were equivalent to so many votes abstracted from the aggregate number polled by the supporters and partisans of Mr. Clay.

Notwithstanding these adverse influences, the latter confidently expected to achieve a victory; and in this feeling the nation at large participated. The disappointment, therefore, which ensued when, after the day of the election, it was ascertained that James K. Polk had obtained a majority of the Electors, and would be chosen President by the Electoral College, was extreme and almost universal. Mr. Clay bore his defeat with heroic fortitude; but myriads of his admirers and friends felt a dejection such as a great personal calamity might alone be supposed to be capable of producing. The numerical result of the election was as follows:

For CLAY—Massachusetts, 12; Rhode Island, 4; Connecticut, 6; Vermont, 6; New Jersey, 7; Delaware, 3; Maryland, 8; North Carolina, 11; Tennessee, 13; Kentucky, 12; Ohio, 23.—Total, 105.

For POLK—Maine, 9; New Hampshire, 6; New York, 36; Pennsylvania, 26; Virginia, 17; South Carolina, 9; Georgia, 10; Alabama, 9; Mississippi, 6; Louisiana, 6; Indiana, 12; Illinois, 9; Missouri, 7; Michigan, 5; Arkansas, 3.—Total, 170.

The official popular vote numbered for CLAY, 1,297,912; for POLK, 1,336,196; for BIRNEY, the can-

didate of the "Liberal Party," 62,127. Mr. Polk's majority over Mr. Clay, exclusive of South Carolina, where the Presidential Electors were chosen by the Legislature, was 32,284.

From this statement it is evident that the loss of the votes given to Mr. Birney produced the defeat of Mr. Clay, who would otherwise have had a clear majority over the Democratic nominee. This circumstance naturally increased the regret which was felt by Mr. Clay's friends, that what they regarded as a most glorious result should have been defeated by the obstinacy of those who persisted in following out a policy which led to no consequences favorable to themselves. The despair of many persons at the result was extravagant, and sometimes even absurd; as will appear from the following extracts from a few of the hundreds of letters which Mr. Clay received at Ashland, deprecating the issue, and tendering him sympathy:

"What a wound has been inflicted upon the honor and interests of the country! I pray God, that truth may yet prevail, and our republican institutions be saved. It affords me some satisfaction, under the adverse state of things that exist, to assure you of my abiding esteem and cordial friendship."

"I write with an aching heart, and ache it must. God Almighty save us! Although our hearts are broken and bleeding, and our bright hopes are crushed, we feel proud of our candidate. God bless you! Your countrymen do bless you. All know how to appreciate the man who has stood in the first

rank of American patriots. Though unknown to you, you are by no means a stranger to me."

"Sir, we love you now better than ever."

"I have hardly ventured to touch my pen to paper, dear and honored sir, to speak of the catastrophe which has befallen our country. Its effects are beginning to develop themselves with frightful rapidity. In the midst of its anguish, the public heart heaves with an oppressive sense of gratitude toward yourself."

"I do not write to you, my dear sir, to offer condolence, which, I know, would be misplaced and presumptuous. It is my solemn belief that, of all men, you have the least real cause to regret the result."

"The result of the late election, although disastrous to the country, furnishes a proud vindication of your principles and fame. No man ever before received so glorious a testimonial. The defeat is nothing to you. It is the people who are to be the sufferers."

"I have buried a revolutionary father, who poured out his blood for his country; I have followed a mother, brothers, sisters, and children, to the grave; and although I hope I have felt, under all these afflictions, as a son, a brother, and a father should feel, yet nothing has so crushed me to the earth, and depressed my spirits, as the result of our late political contest."

"I have thought for three or four days I would write you, but really I am unmanned. All is gone! I see nothing but despair depicted in every counte-

nance. I confess that nothing has happened to shake my confidence in our ability to sustain a free government, so much as this. A cloud of gloom hangs over the future. May God save the country!"

"Could you behold the depression of spirit and sinking of heart that pervade the community, I am sure you would feel, 'Well, in very truth, my defeat has been the occasion of a more precious tribute and vindication than the majority of numbers.'"

"I feel as if it would be some relief to express to you the deep grief with which my heart is penetrated. Never was interest so intense manifested in behalf of any public man. Your reputation as a statesman and a patriot remains untouched, or is rendered more brilliant, still commanding, as it long has commanded, the admiration of the world." *

The most serious circumstance which attended the campaign of 1844, was the fact that extensive frauds were charged, and in some instances demonstrated, to have taken place, for the purpose of defeating Mr. Clay. It is unnecessary at this late period to specify the details connected with this subject; but they were sufficient at the time to convince a large proportion of the public that Mr. Clay had in fact received a majority of the legal votes which had been polled throughout the nation; and that he had been made a victim of the implacable hate of his political and personal enemies, who were determined at all hazards to forbid and prevent his attainment of the Presidency.

* The preceding extracts are taken from Colton's *Life of Henry Clay*, vol. ii. p. 446.

“He who ascends the mountain-top shall find
Its loftiest peaks most wrapt in clouds and snow;
He who surpasses or subdues mankind,
Must look down on the hate of those below,
Though far above the sun of glory glow,
And far beneath the earth and ocean spread:
Round him are icy rocks, and loudly blow
Contending tempests on his naked head,
And thus reward the toils which to those summits led.”

After the termination of this struggle, and the election of Mr. Polk, Mr. Clay received many substantial testimonials of the undiminished regard and sympathy of his friends. In December, 1844, a public meeting was held in Richmond, Virginia, which adopted measures for the erection of a statue to his honor, which was to be accomplished solely through the agency of the ladies of Virginia. The widow of Governor Barbour accepted the presidency of the association. Addresses were sent to him containing sentiments of the profoundest regard and esteem, from public meetings convened in New York, New Haven, and other leading cities. But the most remarkable demonstration of this kind was one which was least expected by him. During the campaign, and by various means, his estate had become involved to the amount of fifty thousand dollars. He had mortgaged his lands at Ashland for the payment of this sum; and as the day of payment approached, he found himself utterly unable to liquidate his enormous obligations. A number of his friends had ascertained these facts, contributed the sum privately among themselves, and satisfied the mortgage. His first knowledge of the affair was his receipt of the

cancelled obligation; he was quite overcome by so touching a proof of the devotion of his friends, and exclaimed: "Had ever any man such friends or enemies as Henry Clay!" Several months afterward he was presented by the gold and silver artificers of the city of New York with a silver vase, three feet in height, beautifully chased, and appropriately inscribed; and in November, 1846, a similar compliment was tendered him by an association of ladies in Tennessee.

Mr. Clay spent the two years which followed this memorable campaign in retirement at Ashland. The winter months he usually passed at New Orleans, the climate of which was propitious to his health. During this period of retirement, he watched with the solicitude of a true patriot the progress of public affairs; and regarded with intense concern the triumphs and vicissitudes of the American arms then invading Mexico. Mr. Clay's son Henry had abandoned the practice of law, and had taken a commission under General Taylor. At length the news reached the aged patriot that his son had fallen with honor, on the blood-stained field of Buena Vista. Soon afterward he received from the commander himself the following letter, officially communicating to him the sad intelligence. It was dated March 1st, 1847:

"MY DEAR SIR: You will no doubt have received, before this can reach you, the deeply distressing intelligence of the death of your son in the battle of Buena Vista. It is with no wish of intruding upon the sanctuary of parental sorrow, and with no hope

of administering any consolation to your wounded heart, that I have taken the liberty of addressing you these few lines; but I have felt it a duty which I owe to the memory of the distinguished dead, to pay a willing tribute to his many excellent qualities, and while my feelings are still fresh, to express the desolation which his untimely loss, and that of other kindred spirits, have occasioned.

“I had but a casual acquaintance with your son, until he became for a time a member of my military family; and I can truly say that no one ever won more rapidly upon my regard, or established a more lasting claim to my respect and esteem. Manly and honorable in every impulse, with no feeling but for the honor of the service and of the country, he gave every assurance that in the hour of need I could lean with confidence upon his support. Nor was I disappointed. Under the guidance of himself and the lamented M’Kee, gallantly did the sons of Kentucky, in the thickest of the strife, uphold the honor of the State and of the country.

“A grateful people will do justice to the memory of those who fell on that eventful day. But I may be permitted to express the bereavement which I feel in the loss of valued friends. To your son I felt bound by the strongest ties of private regard; and when I miss his familiar face, and those of M’Kee and Hardin, I can say with truth that I feel no exultation in our success.

“With the expression of my deepest and most heartfelt sympathies for your irreparable loss, I remain your friend.”

One of the grounds on which Mr. Clay had opposed the annexation of Texas, was, that an expensive and profitless war with Mexico would be the inevitable consequence. His prophecy had been fulfilled; and although victory attended the American arms in every stage of their progress, we may readily excuse the earnestness with which Mr. Clay condemned a policy which, being of so little real benefit to his country, had resulted in so serious a calamity to himself.

During the summer of 1847 Mr. Clay, after solemn deliberation, united himself with the Protestant Episcopal Church. This event, so full of interest under the peculiar circumstances of the case, and considering the chief actor in it, can be best described in the language of one whose privilege it was to be present on the occasion:

“Mr. Clay was baptized in the little parlor at Ashland, on Tuesday, the 22d instant, together with one of his daughters-in-law (the other being already a member of the church) and her four children, by the Rev. Edward F. Berkley, rector of Christ Church, Lexington. The baptism was administered privately, for the reason that the congregation of Christ Church are replacing their old church with a new edifice, now in rapid progress of erection, and are not suitably situated for the most solemn and decent administration of this rite in public.

“When the minister entered the room on this deeply solemn and interesting occasion, the small assembly, consisting of the immediate family, a few family connections, and the clergyman’s wife, rose

up. In the middle of the room stood a large centre-table, on which was placed, filled with water, the magnificent cut-glass vase presented to Mr. Clay by some gentlemen of Pittsburg. On one side of the room hung the large picture of the family of Washington, himself an Episcopalian by birth, by education, and a devout communicant of the Church; and immediately opposite, on a side-table, stood the bust of the lamented Harrison, with a chaplet of withered flowers hung upon his head, who was to have been confirmed in the Church the Sabbath after he died—fit witnesses of such a scene. Around the room were suspended a number of family pictures, and among them the portrait of a beloved daughter, who died some years ago, in the triumphs of that faith which her noble father was now about to embrace; and the picture of the late lost son, who fell at the battle of Buena Vista. Could these silent lookers-on at the scene about transpiring have spoken from the marble and the canvas, they would heartily have approved the act which dedicated the great man to God.”

During the summer which ensued Mr. Clay visited the North, spending some weeks at Cape May for the purpose of invigorating his health. He was attended, at every stage of his progress, by the enthusiastic plaudits of his countrymen, which could not fail to be highly gratifying to him. After his return to Ashland, he delivered a speech at Lexington, on the 13th of November, in reference to the Mexican War, which was regarded as one of his ablest efforts. An immense assemblage of ladies and gentlemen were pre-

sent to hear it. During its progress he re-stated his mature opinions in reference to the institution of slavery, in the following language :

“It may be argued that, in admitting the injustice of slavery, I admit the necessity of an instantaneous reparation of that injustice. Unfortunately, however, it is not always safe, practicable, or possible, in the great movements of States and public affairs of nations, to remedy or repair the infliction of previous injustice. In the inception of it, we may oppose and denounce it, by our most strenuous exertions, but, after its consummation, there is often no other alternative left us but to deplore its perpetration, and to acquiesce, as the only alternative, in its existence, as a less evil than the frightful consequences which might ensue from the vain endeavor to repair it. Slavery is one of those unfortunate instances. The evil of it was inflicted upon us by the parent-country of Great Britain, against all the entreaties and remonstrances of the colonies. And here it is among and amid us, and we must dispose of it as best we can under all the circumstances which surround us. It continued, by the importation of slaves from Africa, in spite of colonial resistance, for a period of more than a century and a half, and it may require an equal or longer lapse of time before our country is entirely rid of the evil. And, in the meantime, moderation, prudence, and discretion, among ourselves, and the blessings of Providence, may be all necessary to accomplish our ultimate deliverance from it. Examples of similar infliction of irreparable na-

tional evil and injustice might be multiplied to an indefinite extent. The case of the annexation of Texas to the United States is a recent and an obvious one, which, if it were wrong, can not now be repaired. Texas is now an integral part of our Union, with its own voluntary consent. Many of us opposed the annexation with honest zeal and most earnest exertions. But who would now think of perpetrating the folly of casting Texas out of the confederacy, and throwing her back upon her own independence, or into the arms of Mexico? Who would now seek to divorce her from this Union? The Creeks and the Cherokee Indians were, by the most exceptionable means, driven from their country, and transported beyond the Mississippi river. Their lands have been fairly purchased and occupied by inhabitants of Georgia, Alabama, Mississippi, and Tennessee. Who would now conceive the flagrant injustice of expelling those inhabitants and restoring the Indian country to the Cherokees and the Creeks, under color of repairing the original injustice?"

During the winter of 1847-48, Mr. Clay was induced to visit Washington, at the call of professional business; and it was on this occasion that he made his memorable speech before the American Colonization Society. He also argued an important lawsuit in the Supreme Court of the United States, — that of *William Houston vs. the Bank of New Orleans*. In both of these efforts he displayed his usual and pristine ability, and though seventy-one years of age, exhibited no diminution of his intellectual vigor. Sub-

sequently he extended his journey to Baltimore, Philadelphia, and New York, by special request and invitation ; and was everywhere greeted as a national favorite and benefactor. In all these cities immense multitudes crowded the streets to behold and applaud the veteran statesman ; while public banquets and receptions without number were tendered to him.

CHAPTER XIV.

THIS POLITICAL CAMPAIGN OF 1848—WISHES OF MR. CLAY'S FRIENDS—
NOMINATION OF GENERAL TAYLOR FOR THE PRESIDENCY—HIS ELEC-
TION—MR. CLAY RE-ELECTED TO THE U. S. SENATE—HIS LETTER IN
REFERENCE TO THE ABOLITION OF SLAVERY IN KENTUCKY—ITS RE-
SULTS—COMPROMISE MEASURES OF 1850—THEIR IMPORT—MR.
CLAY'S EFFORTS IN FAVOR OF THEM—OPPOSITION OF BOTH NORTH-
ERN AND SOUTHERN SENATORS—THEIR ULTIMATE DEFEAT.

IN June, 1848, the Whig National Convention convened in Philadelphia for the purpose of nominating a candidate for the Presidency. So strong was the hold which Mr. Clay had secured upon the admiration of the nation, and on the partiality of the party to which he belonged, that, notwithstanding the repeated defeats which he had experienced in the preceding Presidential campaigns, there was a large proportion of the party in favor of his renomination; who were disposed to enter for the fourth time upon the struggle to elevate him to that exalted post of which he was more worthy, and for the performance of the duties of which he was more competent, than any other man then living in the nation. His only rival on this occasion was General Zachary Taylor, the hero of the Mexican War; who had gained great popularity by his several victories in that contest, which had been achieved under the most disadvantageous circumstances.

It soon became apparent that General Taylor was regarded by the Convention as the more available candidate of the two; and when the Kentucky delegation gave a majority of their votes in favor of the military hero, the friends of Mr. Clay at once abandoned all hope of his nomination. At the first ballot the vote stood, for Mr. Clay, ninety-seven, for General Taylor, a hundred and eleven, for General Scott, forty-three. Succeeding ballots followed with varying numbers, until upon the fourth, General Taylor received a hundred and seventy-one, which gave him the nomination. The conqueror of Buena Vista became President of the United States, and Millard Fillmore, Vice-President. When the Legislature of Kentucky convened in December, 1848, Mr. Clay was again chosen *unanimously* to represent that Commonwealth in the Senate of the United States, to serve six years from the 4th of March, 1849. On that day the new President entered upon his term of office, and lived to perform its functions only during a few months.

It must have been with singular and perhaps mingled emotions, that Mr. Clay resumed his seat in that body, of which he had taken his solemn farewell seven years before; then confidently expecting never to return to it. Forty-three years had elapsed since the day when, in the strength and vigor of his majestic manhood, he had first entered it; and in all the great scenes of intellectual conflict and glory which had transpired there during the interval, he had taken a prominent and distinguished part. He returned to the arena of his triumphs with powers still undimmed by the lapse of years; and gave proofs during the pro-

gress of this, his last term of public service, that his was still the same gigantic mind and consummate powers which had, during so many years, elicited the applause and promoted the interests of his countrymen.

In 1849 the citizens of Kentucky held a Convention for the purpose of revising their State Constitution. One of the most important subjects which engaged their attention was that of domestic slavery. There was a large party in the State who were in favor of adopting some plan for the gradual removal of an institution which they regarded either as unjust and repugnant to the natural rights of man, or as injurious to the interests of the white population. Mr. Clay was one of those who was in favor of the gradual abolition of slavery, in view of both considerations. He thought that the time had arrived when, by the proposed amendment of the State Constitution, an opportunity was given for that purpose, to introduce provisions in it which would prevent slavery from being perpetual in the State, and which would result in its gradual, safe, and effectual suppression. He therefore determined to embrace the opportunity to aid in attaining that great and beneficent result; and he set forth his views in a letter which he addressed to a relative and friend, Mr. Pindell of Lexington, with the design that it should be made public, and thus influence the deliberations of the Constitutional Convention then in session. This document is one of the most remarkable which Mr. Clay ever produced, displaying the profoundest reflection, the most ardent patriotism, the utmost sagacity as a

statesman, and, we may add, the most commendable charity and benevolence. The following extracts from this celebrated production cannot fail to be acceptable to the admirer of the genius and patriotism of Mr. Clay.

“When, on the occasion of the formation of our present Constitution of Kentucky, in 1799, the question of the gradual emancipation of slavery in the State was agitated, its friends had to encounter a great obstacle in the fact, that there then existed no established colony to which they could be transported. Now, by the successful establishment of flourishing colonies on the western coast of Africa, that difficulty has been obviated. And I confess that, without indulging in any undue feelings of superstition, it does seem to me that it may have been among the dispensations of Providence to permit the wrongs under which Africa has suffered, to be inflicted that her children might be returned to their original home civilized and imbued with the benign spirit of Christianity, and prepared ultimately to redeem that great continent from barbarism and idolatry.

“Without undertaking to judge for any other State, it was, in my opinion, in 1799, that Kentucky was in a condition to admit of the gradual emancipation of her slaves; and how deeply do I lament that a system, with that object, had not been then established! If it had been, the State would now be nearly rid of all slaves. My opinion has never changed, and I have frequently publicly expressed it. I should be most happy if what was impracticable at that epoch could now be accomplished

“After full and deliberate consideration of the subject, it appears to me three principles should regulate the establishment of a system of gradual emancipation. The first is, that it should be slow in its operation, cautious, and gradual, so as to occasion no convulsion, nor any rash or sudden disturbance in the existing habits of society. Second, that, as an indispensable condition, the emancipated slaves should be removed from the State to some colony. And thirdly, that the expenses of their transportation to such colony, including an outfit for six months after their arrival at it, should be defrayed by a fund to be raised from the labor of each freed slave.

“Nothing could be more unwise than the immediate liberation of all the slaves in the State, comprehending both sexes and all ages, from that of tender infancy to extreme old age. It would lead to the most frightful and fatal consequences. Any great change in the condition of society should be marked by extreme care and circumspection. The introduction of slaves into the colonies was an operation of many years’ duration; and the work of their removal from the United States can only be effected after the lapse of a great length of time.

“I think that a period should be fixed when all born after it should be free at a specified age, all born before it remaining slaves for life. That period I would suggest should be 1855, or even 1860; for on this and other arrangements of the system, if adopted, I incline to a liberal margin, so as to obviate as many objections, and to unite as many opinions as possible. Whether the commencement of the operation

of the system be a little earlier or later, is not so important as that a day should be permanently *fixed*, from which we could look forward, with confidence, to the final termination of slavery within the limits of the Commonwealth.

“Whatever may be the day fixed, whether 1855 or 1860, or any other day, all born after it, I suggest, should be free at the age of twenty-five, but be liable afterward to be hired out, under the authority of the State, for a term not exceeding three years, in order to raise a sum sufficient to pay the expenses of their transportation to the colony, and to provide them an outfit for six months after their arrival there.

“If the descendants of those who were themselves to be free, at the age of twenty-five, were also to be considered as slaves until they attained the same age, and this rule were continued indefinitely as to time, it is manifest that slavery would be perpetuated instead of being terminated. To guard against this consequence, provisions might be made that the offspring of those who were to be free at twenty-five, should be free from their births, but upon the condition that they should be apprenticed until they were twenty-one, and be also afterward liable to be hired out, a period not exceeding three years, for the purpose of raising funds to meet the expenses to the colony and their subsistence for the first six months.

“The Pennsylvania system of emancipation fixed the period of twenty-eight for the liberation of the slaves, and provided, or her courts have since interpreted the system to mean, that the issue of all who were to be free at the limited age, were from their

births free. The Pennsylvania system made no provision for colonization.

“Until the commencement of the system which I am endeavoring to sketch, I think all the legal rights of the proprietors of slaves, in their fullest extent, ought to remain unimpaired and unrestricted. Consequently, they would have the right to sell, devise, or remove them from the State, and, in the latter case, without their offspring being entitled to the benefit of emancipation, for which the system provides.

“The colonization of the free blacks, as they successively arrived, from year to year, at the age entitling them to freedom, I consider a condition absolutely indispensable. Without it I should be utterly opposed to any scheme of emancipation. One hundred and ninety odd thousand blacks, composing about one-fourth of the entire population of the State, with their descendants, could never live in peace, harmony, and equality, with the residue of the population. The color, passions, and prejudices would forever prevent the two races from living together in a state of cordial union. Social, moral, and political degradation would be the inevitable lot of the colored race. Even in the free States (I use the terms free and slave States not in any sense derogatory from one class, or implying any superiority in the other, but for the sake of brevity) that is their present condition. In some of those free States the penal legislation against the people of color is quite as severe, if not harsher, than it is in some of the slave States. And nowhere in the United States are

amalgamation and equality between the two races possible — it is better that there should be a separation, and that the African descendants should be returned to the native land of their fathers.

“It would have been seen that the plan I have suggested proposes the annual transportation of all born after a specified day, upon their arrival at the prescribed age, to the colony which may be selected for their destination, and that this process of transportation is to be continued until the separation of the two races is completed. If the emancipated slaves were to remain in Kentucky until they attained the age of twenty-eight, it would be about thirty-four years before the first annual transportation begins, if the system commence in 1855, and about thirty-nine years, if its operation begin in 1860.

“What the number thus to be annually transported would be, cannot be precisely ascertained. I observe it stated by the auditor, that the increase of slaves in Kentucky last year was between three and four thousand. But as that statement was made upon a comparison of the aggregate number of all the slaves in the State, without regard to births, it does not, I presume, exhibit truly the *natural* increase, which was probably larger. The aggregate was effected by the introduction, and still more by the exportation, of slaves. I suppose there would not be less, probably more, than five thousand to be transported the first year of the operation of the system; but after it was in progress some years, there would be a constant diminution of the number.

“Would it be practicable annually to transport five

thousand persons from Kentucky? There cannot be a doubt of it — or even a much larger number. We receive from Europe annually emigrants to an amount exceeding two hundred and fifty thousand, at a cost for the passage of about ten dollars per head, and they embark at European ports more distant from the United States than the western coast of Africa. It is true that the commercial marine employed between Europe and the United States affords facilities in the transportation of emigrants at that low rate, which that engaged in the commerce between Liberia and this country does not now supply. But that commerce is increasing, and by the time the proposed system, if adopted, would go into operation, it will have greatly augmented. If there were a certainty of the annual transportation of not less than five thousand persons to Africa, it would create a demand for transports, and the spirit of competition would, I have no doubt, greatly diminish the present cost of the passage. That cost has been stated, including the passage and six months' outfit after the arrival of the emigrant in Africa. Whatever may be the cost, and whatever the number to be transported, the fund to be raised by the hire of the liberated slaves, for a period not exceeding three years, will be amply sufficient. The annual hire on the average may be estimated at fifty dollars, or one hundred and fifty dollars for the whole term.

“Colonization will be attended with the painful effect of the separation of the colonists from their parents, and in some instances from their children; but from the latter it will be only temporary, as they

will follow and be again reunited. Their separation from their parents will not be until after they have attained a mature age, nor greater than voluntarily takes place with emigrants from Europe, who leave their parents behind. It will be far less distressing than what frequently occurs in the state of slavery, and will be attended with the animating encouragement that the colonists are transferred from a land of bondage and degradation, for them, to a land of liberty and equality.

“And the expense of transporting the liberated slave to the colony, and of maintaining him there for six months, I think ought to be provided for by a fund derived from his labor in the manner already indicated. He is the party most benefited by emancipation. It would not be right to subject the non-slaveholder to any part of that expense; and the slaveholder will have made sufficient sacrifices, without being exclusively burdened with taxes to raise that fund. The emancipated slaves could be hired out for the time proposed, by the sheriff or other public agent in each county, who should be subject to strict accountability. And it would be requisite that there should be kept a register of all the births of all children of color, after the day fixed for the commencement of the system, enforced by appropriate sanctions. It would be a very desirable regulation of law to have births, deaths, and marriages, of the whole population of the State, registered and preserved, as is done in most well-governed States.

“Among other considerations which unite in recommending to the State of Kentucky a system for

the gradual abolition of slavery, is that arising out of her exposed condition affording great facilities to the escape of her slaves into the free States and into Canada. She does not enjoy the security which some of the slave States have, by being covered in depth by two or three slave States intervening between them and free States. She has a greater length of border on free States than any other slave State in the Union. That border is the Ohio River, extending from the mouth of Big Sandy to the mouth of the Ohio, a distance of near six hundred miles, separating her from the already powerful and growing States of Ohio, Indiana, and Illinois. Vast numbers of slaves have fled from most of the counties in Kentucky, from the mouth of Big Sandy to the mouth of Miami, and the evil has increased and is increasing. Attempts to recover the fugitives lead to most painful and irritating collisions. Hitherto countenance and assistance to the fugitives have been chiefly afforded by persons in the State of Ohio; but it is to be apprehended, from the progressive opposition to slavery, that, in process of time, similar facilities to the escape of slaves would be found in the States of Indiana and Illinois. By means of railroads, Canada can be reached from Cincinnati in a little more than twenty-four hours.

“In the event of a civil war breaking out, or in the more dreadful event of a dissolution of the Union in consequence of the existence of slavery, Kentucky would become the theatre and bear the brunt of the war. She would doubtless defend herself with her known valor and gallantry; but the superiority of

the numbers by which she would be opposed would lay waste and devastate her fair fields. Her sister slave States would fly to her succor; but even if they should be successful in the unequal conflict, she never could obtain any indemnity for the inevitable ravages of the war.

“It may be urged that we ought not, by the gradual abolition of slavery, to separate ourselves from the other slave States, but continue to share with them in all their future fortunes. The power of each slave State, within its limits, over the institution of slavery, is absolute, supreme, and exclusive — exclusive of that of Congress or that of any other State. The government of each slave State is bound by the highest and most solemn obligation to dispose of the question of slavery, so as best to promote the peace, happiness, and prosperity of the people of the State. Kentucky being essentially a farming State, slave labor is less profitable. If, in most of the other slave States, they find that labor more profitable, in the culture of the staples of cotton and sugar, they may perceive a reason in that feeling for continuing slavery which cannot be expected should control the judgment of Kentucky, as to what may be fitting and proper for her interests. If she should abolish slavery, it would be her duty, and I trust that she would be as ready, as she now is, to defend the slave States in the enjoyment of all their lawful and constitutional rights. Her power, political and physical, would be greatly increased; for one hundred and ninety odd thousand slaves and their descendants would be gradually superseded by an equal number of white in-

habitants, who would be estimated per capita, and not by the Federal rule of three-fifths prescribed for the colored race in the Constitution of the United States.

“I have thus, without reserve, freely expressed my opinion and presented my views. The interesting subject of which I have treated would have admitted of much enlargement, but I have desired to consult brevity. The plan which I have proposed will hardly be accused of being too early in its commencement, or too rapid in its operation. It will be more likely to meet with contrary reproaches. If adopted, it is to begin thirty-four or thirty-nine years from the time of its adoption, as the one period or the other shall be selected for its commencement. How long a time it will take to remove all the colored race from the State, by the annual transportation of each year’s natural increase, cannot be exactly ascertained. After the system had been in operation some years, I think it probable, from the manifest blessings that would flow from it, from the diminished value of slave labor, and from the humanity and benevolence of private individuals prompting a liberation of their slaves and their transportation, a general disposition would exist to accelerate and complete the work of colonization.”

The prudent and mature opinions thus expressed by Mr. Clay in reference to the subject of slavery, proved to be too radical and precipitate for the majority of the delegates in the Convention; and they were not adopted and realized. The utterance of them, however, on his part, demonstrated the interest which he took in the subject, and his desire to ad-

vance the interests of his constituents. It was a worthy prelude to his last, and one of his greatest efforts in the United States Senate, to promote the glorious cause of rational liberty, by his memorable Compromise Measures of 1850.

In January of that year Mr. Clay rose in the Senate, and introduced his plan for the adjustment of the differences which existed, and which then already agitated the whole nation, in reference to the organization of the Territories, and the future prohibition of slavery in them. His immediate purpose was to exclude slavery from all the Territories acquired by the United States by the treaty with Mexico; and also to exclude it from New Mexico, should the jurisdiction of Texas over that Territory ever afterward tend to its introduction there. In introducing his resolutions Mr. Clay accompanied them by an able speech, the tenor and spirit of which may be inferred from the ensuing extracts. The preamble and first resolution were as follows:

“It being desirable for the peace, concord, and harmony of the union of these States, to settle and adjust amicably all existing questions of controversy between them arising out of the institution of slavery, upon a fair, equitable, and just basis: Therefore,

“1st. *Resolved*, That California, with suitable boundaries, ought, upon her application, to be admitted as one of the States of this Union, without the imposition by Congress of any restriction in any respect to the exclusion or introduction of slavery within those boundaries.

“Mr. President, it must be acknowledged that

there has been some irregularity in the movements which have terminated in the adoption of a Constitution by California, and in the expression of her wish, not yet formally communicated to Congress, it is true, but which may be anticipated in a few days, to be admitted into the Union as a State. There has been some irregularity in the manner in which they have framed that Constitution. It was not preceded by any act of Congress authorizing the Convention, and designating the boundaries of the proposed State, according to all the early practice of this Government, according to all the cases of the admission of new States into this Union, which occurred, I think, prior to that of Michigan. Michigan, if I am not mistaken, was the first State which, unbidden, unauthorized by any previous act of Congress, undertook to form for herself a Constitution, and to knock at the door of Congress, for admission into the Union. I recollect that at the time when Michigan thus presented herself, I was opposed, in consequence of that deviation from the early practice of the Government, to the admission. The majority determined otherwise; and it must be in candor admitted by all men, that California has much more reason to do what she has done, unsanctioned and unauthorized by a previous act of Congress, than Michigan had to do what she did.

“Sir, notwithstanding the irregularity of the admission of Michigan into the Union, it has been a happy event. She forms now one of the bright stars of this glorious confederacy. She has sent here to mingle in our councils Senators and Representatives — men eminently distinguished, with whom we may

all associate with pride, with pleasure, and with satisfaction. And I trust that if California, irregular as her previous action may have been in the adoption of a Constitution, but more justifiable than was the action of Michigan—if she also shall be admitted, as is proposed by this first resolution, with suitable limits, that she, too, will make her contribution of wisdom, of patriotism, and of good feeling to this body, in order to conduct the affairs of this great and boundless empire.

“The resolution proposes her admission when she applies for it. There is no intention on my part to anticipate such an application, but I thought it right to present this resolution as a part of the general plan which I propose for the adjustment of these unhappy difficulties.

“The second resolution, sir, is as follows:

“2d. *Resolved*, That as slavery does not exist by law, and is not likely to be introduced into any of the territory acquired by the United States from the Republic of Mexico, it is inexpedient for Congress to provide by law either for its introduction into or exclusion from any part of the said territory; and that appropriate territorial governments ought to be established by Congress in all of the said territory, not assigned as the boundaries of the proposed State of California, without the adoption of any restriction or condition on the subject of slavery.

“This resolution, sir, proposes, in the first instance, a declaration of two truths, one of law and the other of fact. The truth of law which it declares is, that there does not exist at this time, slavery within any

portion of the territory acquired by the United States from Mexico. When I say, sir, it is a truth, I speak my own solemn and deliberate conviction. I am aware that some gentlemen have held a different doctrine; but I persuade myself that they themselves, when they come to review the whole ground, will see sufficient reasons for a change, or at least a modification of their opinions; but that, at all events, if they adhere to that doctrine, they will be found to compose a very small minority of the whole mass of the people of the United States.

“The next truth which the resolution asserts is, that slavery is not likely to be introduced into any portion of that territory. That is a matter of fact; and all the evidence upon which the fact rests, is perhaps as accessible to other Senators as it is to me; but I must say that, from all I have heard or read, from the testimony of all the witnesses I have seen and conversed with, from all that has transpired and is transpiring, I do believe that not within one foot of the territory acquired by us from Mexico will slavery ever be planted, and I believe it could not be done even by the force and power of public authority.

“Sir, facts are daily occurring to justify me in this opinion. Sir, what has occurred? And upon that subject, and indeed upon this whole subject, I invite Senators from the free States especially to consider what has occurred even since the last session — even since the commencement of this session — since they left their respective constituencies, without an opportunity of consulting with them upon that great and momentous fact — the fact that California herself, of

which it was asserted and predicted that she never would establish slavery within her limits when she came to be admitted as a State; that California herself, embracing, of all other portions of the country acquired by us from Mexico, that country into which it would have been most likely that slavery should have been introduced; that California herself has met in convention, and by a unanimous vote, embracing in that body slaveholders from the State of Mississippi, as well as from other parts, who concurred in the resolution—that California by a unanimous vote, has declared against the introduction of slavery within her limits. I think, then, that taking this leading fact in connection with all the evidence we have from other sources on the subject, I am warranted in the conclusion which constitutes the second truth which I have stated in this resolution, that slavery is ‘not likely to be introduced into any of the territory acquired by us from Mexico.’

“Sir, the latter part of the resolution asserts that it is the duty of Congress to establish appropriate territorial governments within all the country acquired from Mexico, exclusive of California, not embracing in the acts by which these governments shall be constituted, either a prohibition or an admission of slavery.

“Sir, much as I am disposed to defer to high authority, anxious as I really am to find myself in a position that would enable me to co-operate heartily with the other departments of the Government in conducting the affairs of this great people, I must say that I cannot without a dereliction of duty consent to an abandonment of them without government, leav-

ing them to all those scenes of disorder, confusion, and anarchy, which, I apprehend, in respect of some of them, there is too much reason to anticipate will arise. It is the duty, the solemn—I was going to add the most sacred—duty of Congress to legislate for their government, if they can, and, at all events, to legislate for them, and to give them the benefit of law, and order, and security.

“The next resolutions are the third and fourth, which, having an immediate connection with each other, should be read and considered together. They are as follows:

“3d. *Resolved*, That the western boundary of the State of Texas ought to be fixed on the Rio del Norte, commencing one marine league from its mouth, and running up that river to the southern line of New Mexico; thence with that line eastwardly, and so continuing in the same direction to the line established between the United States and Spain, excluding any portion of New Mexico, whether lying on the east or west of that river.

“4th. *Resolved*, That it be proposed to the State of Texas, that the United States will provide for the payment of all that portion of the legitimate and *bona fide* public debt of that State, contracted prior to its annexation to the United States, and for which the duties on foreign imports were pledged by the said State to its creditors, not exceeding the sum of \$——, in consideration of the said dues so pledged having been no longer applicable to that object after the said annexation, but having thenceforward become payable to the United States; and upon the condition

also, that the said State of Texas shall, by some solemn and authentic act of her Legislature, or of a Convention, relinquish to the United States any claim which it has to any part of New Mexico.

“Mr. President, I do not mean now, I do not know that I shall at any time (it is a very complex subject, and one not free from difficulty) to go into the question of what are the true limits of Texas. My own opinion is, I must say, without intending by the remark to go into any argument, that Texas has not a good title to any portion of what is called New Mexico. And yet, sir, I am free to admit that, looking at the grounds which her representatives assumed, first in the war with Santa Anna in 1836, then at what transpired between Mr. Trist and the Mexican negotiators when the treaty of peace was negotiated, and then the fact that the United States have acquired all the country which Texas claimed as constituting a portion of her territory; looking at all these facts, but without attaching to them, either together or separately, the same degree of force which gentlemen who think that Texas has a right to New Mexico do, I must say that there is plausibility, to say the least of it, in the pretensions that she sets up to New Mexico. I do not think that they constitute or demonstrate the existence of a good title, but a plausible one. Well, then, sir, what do I propose? Without entering into any inquiry whether the Nueces or the Rio Grande was the true boundary of Texas, I propose, by the first of these two resolutions, that its western limits shall be fixed on the Rio del Norte, extending west from the Sabine to the mouth of the Rio del Norte, and that

it shall follow up the Bravo or the Rio del Norte, to where it strikes the southern line of New Mexico, and then, diverging from that line, follow on in that direction until it reaches the line as fixed by the United States and Spain, by their treaty of 1819; and thus embracing a vast country, abundantly competent to form two or three States—a country which I think the highest ambition of her greatest men ought to be satisfied with as a State and member of this Union.

“The fifth resolution, sir, and the sixth, like the third and fourth, are somewhat connected together. They are as follows:

“5th. *Resolved*, That it is inexpedient to abolish slavery in the District of Columbia, whilst that institution continues to exist in the State of Maryland, without the consent of that State, without the consent of the people of the District, and without just compensation to the owners of slaves within the District.

“6th. *But Resolved*, That it *is* expedient to prohibit within the District the slave-trade, in slaves brought into it from States or places beyond the limits of the District, either to be sold therein as merchandise, or to be transported to other markets, without the District of Columbia.

“The first of these resolutions, Mr. President, in somewhat different language, asserts substantially no other principle than that which was asserted by the Senate of the United States twelve years ago, upon resolutions which I then offered, and which passed—at least the particular resolution passed—by a majority of four-fifths of the Senate. I allude to the resolution presented by me in 1838. I shall not enlarge

on that resolution; it speaks for itself; it declares that the institution of slavery should not be abolished in the District of Columbia without the concurrence of three conditions; first, the assent of Maryland; second, the assent of the people within the District; and third, compensation to the owners of the slaves within the District for their property.

“The next resolution proposed deserves a passing remark. It is that the slave-trade within the District ought to be abolished, prohibited. I do not mean by that the alienation and transfer of slaves from the inhabitants within this District—the sale by one neighbor to another of a slave which the one owns and the other wants, that a husband may perhaps be put along with his wife, or a wife with her husband. I do not mean to touch at all the question of the right of property in slaves among persons living within the District; but the slave-trade to which I refer was, I think, pronounced an abomination more than forty years ago, by one of the most gifted and distinguished sons of Virginia, the late Mr. Randolph. And who is there who is not shocked at its enormity? Sir, it is a great mistake at the North, if they suppose that gentlemen living in the slave States look upon one who is a regular trader in slaves with any particular favor or kindness. They are often—sometimes unjustly, perhaps—excluded from social intercourse. I have known some memorable instances of this sort. But, then, what is this trade? It is a good deal limited since the retrocession of that portion of the District formerly belonging to Virginia. There are Alexandria, Richmond, Petersburg, and Norfolk,

south of the Potomac, and Baltimore, Annapolis, and perhaps other ports, north of the Potomac. Let the slave-dealer, who chooses to collect his slaves in Virginia and Maryland, go to these places; let him not come here and establish his jails, and put on his chains, and sometimes shock the sensibilities of our nature by a long train of slaves passing through that avenue leading from this Capitol to the house of the Chief Magistrate of one of the most glorious republics that ever existed. Why should he not do it? Sir, I am sure I speak the sentiments of every Southern man, and every man coming from the slave States, when I say let it terminate, and that it is an abomination; and there is no occasion for it; it ought no longer to be tolerated.

“The seventh resolution relates to a subject embraced in a bill now under consideration by the Senate. It is as follows:

“7th. *Resolved*, That more effectual provision ought to be made by law, according to the requirement of the Constitution, for the restitution and delivery of persons bound to service or labor in any State who may escape into any other State or Territory in the Union.

“Sir, that is so evident, and has been so clearly shown by the debate which has already taken place on the subject, that I have not now occasion to add another word.

“The last resolution of the series of eight is as follows:

“And 8th. *Resolved*, That Congress has no power to prohibit or obstruct the trade in slaves between the

slaveholding States; but that the admission or exclusion of slaves brought from one into another of them, depends exclusively upon their own particular laws.

“It is obvious that no legislation is necessary or intended to follow that resolution. It merely asserts a truth, established by the highest authority of law in this country; and, in conformity with that decision, I trust there will be one universal acquiescence.

“I should not have thought it necessary to embrace in that resolution the declaration which is embraced in it, but that I thought it might be useful in treating of the whole subject, and in accordance with the practice of our British and American ancestors, occasionally to resort to great fundamental principles, and bring them freshly and manifestly before our eyes, from time to time, to avoid their being violated upon any occasion.

“Mr. President, you have before you the whole series of resolutions, the whole scheme of arrangement and accommodation of these distracting questions, which I have to offer, after having bestowed on these subjects the most anxious, intensely anxious, consideration ever since I have been in this body. How far it may prove acceptable to both or either of the parties on these great questions, it is not for me to say. I think it ought to be acceptable to both. There is no sacrifice of any principle proposed in any of them, by either party. The plan is founded upon mutual forbearance, originating in a spirit of conciliation and concession; not of principles, but of matters of feeling. At the North, sir, I know that from feeling, by many at least cherished as being dictated

by considerations of humanity and philanthropy, there exists a sentiment adverse to the institution of slavery."

The Compromise Measures thus proposed and defended by Mr. Clay, were discussed with great ability and zeal by the leading members of the Senate. They were opposed both by Northern and Southern Senators, on different grounds, but with equal earnestness. Mr. Clay replied to all their arguments with much ability; the splendors of his mellifluous eloquence still shone forth, as in the olden time, and charmed and delighted those unbending opponents whose opinions he could not change, whose votes he could not control. A committee was at length appointed, on the 14th of February, for the purpose of maturing some plan of compromise more acceptable to the majority than Mr. Clay's resolutions; and he was appointed Chairman. On the 8th of May he offered an elaborate report from the majority of the committee, which differed in some essential respects from those originally offered by him. Its propositions were as follows:

"1. The admission of any new State or States formed out of Texas to be postponed until they shall hereafter present themselves to be received into the Union, when it will be the duty of Congress fairly and faithfully to execute the compact with Texas, by admitting such new State or States with or without slavery, as they shall by their Constitutions determine.

"2. The admission forthwith of California into the Union, with the boundaries which she has proposed.

"3. The establishment of territorial governments

without the Wilmot Proviso for New Mexico and Utah, embracing all the Territory recently acquired by the United States from Mexico, not contained in the boundaries of California.

“4. The combination of these two last-mentioned measures in the same bill.

“5. The establishment of the western and northern boundary of Texas, and the exclusion from her jurisdiction of all New Mexico, with the grant to Texas of a pecuniary equivalent; and the section for that purpose to be incorporated into the bill admitting California, and establishing territorial governments for Utah and New Mexico.

“6. More effectual enactments to secure the prompt delivery of persons bound to service or labor in one State, under the laws thereof, who escape into another State. And,

“7. Abstaining from abolishing slavery; but, under a heavy penalty, prohibiting the slave-trade in the District of Columbia.”

The debate which ensued in the discussion of these measures, was one of the longest and fiercest which has ever occurred in the annals of Federal legislation. It continued during nearly three months. Till the last, Mr. Clay defended his policy with heroic resolution; but all was in vain. Various amendments were successively introduced, and passed, which stripped the bill of nearly all its original features; and the only clause which remained unaltered was one providing for the organization of the territory of Utah. Thus ended the celebrated Compromise Measures proposed by Mr. Clay in 1850

CHAPTER XV.

MR. CLAY'S VIEWS OF THE TARIFF OF 1846 — THE HARBOR AND RIVER BILL—MR. CLAY'S INTEREST IN ITS PASSAGE—TACTICS OF THE OPPOSITION—MR. CLAY'S APPEALS ON THE SUBJECT — ULTIMATE DEFEAT OF THE BILL—MR. CLAY'S LAST VISIT TO ASHLAND—HIS RETURN TO WASHINGTON—HIS INTERVIEW WITH KOSSUTH—HIS LAST SICKNESS — HIS DEATH — THAT EVENT ANNOUNCED IN CONGRESS.

THOUGH the burden of years had now accumulated heavily on the shoulders of Mr. Clay, he nevertheless exhibited his usual energy and interest in public affairs. After the defeat of his Compromise Measures in 1850, he visited his home and family in Kentucky; and returned to Washington on the 15th of December, a few days after the opening of the second session of the Thirty-first Congress. At this period he felt an earnest desire to have the Tariff of 1846 revised and amended, in order that greater protection might thereby be given to American manufactures. On the 23d of that month he presented some petitions on the subject to the Senate, and accompanied them with an earnest and practical argument.

But the last measure of importance in which the veteran statesman took an active part, was the bill making appropriations for the improvement of certain harbors and rivers, which had passed the House of Representatives, and was sent into the Senate for

its approval. The bill was referred to the Committee on Commerce, and reported back without any amendment. It was on the 1st of March, 1851, and only three days of the session remained. It was therefore necessary that it should pass at once, if passed at all; inasmuch as the appropriations for the civil and diplomatic service, and other necessary measures, would occupy nearly all the remaining short interval. The river and harbor bill was regarded as a party measure, introduced, supported, and approved by the Whigs; the Democratic Senators, therefore, resolved to defeat it, by that species of tactics well known to deliberative assemblies under such circumstances; to wit, the wasting of all the time of the session in protracted speeches, innumerable amendments, and reiterated and endless debate, by the party in the minority.

Mr. Clay felt a deep interest in the passage of this bill, which seemed to him highly promotive of the interests of the country. The motion to discuss the bill having passed, Mr. Davis of Massachusetts commenced the argument by a brief speech in its favor. Mr. Clemens of Alabama responded, and the purpose of the opposition members at once became apparent. Mr. Clay arose and earnestly protested against such a policy, and proceeded to demonstrate the advantage and necessity of passing the bill. Said he:

“Sir, I have risen to say to the friends of this bill, that if they desire it to pass, I trust they will vote with me against *all* amendments, and come to as speedy and rapid action as possible. Under the idea of an amendment, you will gain nothing. I think it likely there are some items that should not be in the

bill; and can you expect in any human work, where there are forty or fifty items to be passed upon, to find perfection? If you do, you expect what never was done, and what you will never see. I shall vote for the bill for the sake of the good that is in it, and not against it on account of the bad it happens to contain. I am willing to take it as a man takes his wife, 'for better, for worse,' believing we shall be much more happy with it than without it.

"An honorable Senator has gotten up and told us that here is an appropriation of \$2,300,000. Do you not recollect that for the last four or five years there have been *no* appropriations at all upon this subject? Look at the ordinary appropriation in 1837 of \$1,307,000; for it is a most remarkable fact that those administrations most hostile to the doctrine of internal improvements, have been precisely those in which the most lavish expenditures have been made. Thus we are told, this morning, that there were five, six, or eight hundred thousand dollars during General Jackson's administration, and \$1,300,000 during the first year of Mr. Van Buren's. Now, there has been no appropriation during the last three or four years, and, in consequence of this delinquency and neglect on the part of Congress heretofore, because some \$2,300,000 are to be appropriated by this bill, we are to be startled by the financial horrors and difficulties which have been presented, and driven from the duty which we ought to pursue. With regard to the appropriations made for that portion of the country from which I come—the great Valley of the Mississippi—I will say that we are a reasoning people, a

feeling people, and a contrasting people; and how long will it be before the people of this vast valley will rise *en masse* and trample down your little hair-splitting distinctions about what is national, and demand what is just and fair, on the part of this Government, in relation to their great interests? The Mississippi, with all its tributaries—the Red, Wabash, Arkansas, Tennessee, and Ohio rivers—constitute a part of a great system, and if that system be not national, I should like to know one that is national. We are told here that a little work, great in its value, one for which I shall vote with great pleasure—the breakwater in the little State of Delaware—is a great national work, while a work which has for its object the improvement of that vast system of rivers which constitute the Valley of the Mississippi, which is to save millions and millions of property and many human lives, is not a work to be done, because it is not national! Why, look at the appropriations. Here was our young sister, California, admitted but the other day; \$1,500,000 for a basin there to improve her facilities, and how much more for custom houses? Four or five hundred thousand dollars more in that single State for two objects than the totality of the sum proposed to be appropriated here. [Around the margin of the coast of the Atlantic, the Mexican Gulf, and the Pacific coast, everywhere we pour out, in boundless and unmeasured streams, the treasure of the United States, but none to the interior of the West, the Valley of the Mississippi—every cent is contested and denied for that object. Will not our people draw the contrast;

Talk about commerce! we have all sorts of commerce. I have no hesitation in saying that the domestic commerce of the Lakes and the Valley of the Mississippi, is greatly superior in magnitude and importance to all the foreign commerce of the country, for which these vast expenditures are made. Sir, I call upon the Northwestern Senators, upon Western Senators, upon Eastern Senators, upon Senators from all quarters of the Union, to recollect that we are parts of one common country, and that we cannot endure to see, from month to month, from day to day, in consequence of the existence of snags in the Mississippi, which can be removed at a trifling expense, hundreds of lives and millions of property destroyed, in consequence of the destruction of the boats navigating these rivers, for the want of some little application of the means of our common Government."

Notwithstanding Mr. Clay's earnest appeal to the opposing Senators to permit the bill to be voted upon, they persisted in the policy which they had begun. Messrs. Foote, Gwin, Butler, Bradbury, Hunter, Soulé, and others, were delivered of protracted arguments on the subject; a number of amendments were offered, discussed, and then withdrawn; the yeas and nays were repeatedly called for and recapitulated; until at length the session expired, without a final vote having been reached. This was, in fact, the virtual death and defeat of the measure.

After the adjournment of Congress, Mr. Clay again returned to Kentucky. He spent the summer at Ashland, surrounded by his friends and relatives. His health still remained good, although the general

vigor of his constitution was evidently failing. The aged patriot nevertheless prepared, as the opening of the ensuing session approached, to return to Washington, and resume his duties as Senator from Kentucky. He bade adieu to his home and family—it proved to be his last farewell—and reached the Federal capital at the commencement of the second term of the Thirty-second Congress. But the fatigues of the journey had proved too much for his strength, and he was unable to appear in the Senate. His end was at length approaching. Several weeks after his arrival, an interesting interview took place between Mr. Clay, who was closely confined to his room, and Louis Kossuth, the Hungarian patriot. Mr. Clay fully appreciated the superior merits and exalted abilities of that distinguished personage, and received him with that consideration which he deserved. During this interview he expressed the sympathy which he felt with Hungary in her efforts to attain her liberties; but at the same time stated his objections to furnishing that material aid which Gov. Kossuth urged that the United States Government should afford against the detestable tyrants of Austria and Russia. He explained how the policy of our Government, from the administration of Washington downward, had invariably been, not to interfere with the tangled and intricate web of European affairs; and he counselled that, even in this instance, we should not depart from it. Though much disappointed, in this respect, with the views of Mr. Clay, the Hungarian hero failed not to appreciate the earnestness,

sincerity, and patriotism which characterized his opinions on this subject, and his utterance of them.

But the end of this wonderful man had at last arrived—his long and memorable career had reached its calm and peaceful termination. His strength rapidly diminished, and at length he was confined to his bed. He was harassed by a distressing and painful cough, and he became much emaciated. During the progress of his disease he held frequent interviews with the chaplain of the Senate; and his mind seemed to be fully prepared for the solemn and mysterious change which he was so soon to experience. He was attended by the prompt and assiduous care of devoted friends, one of his sons being almost continually at his bedside. At length, on the 29th of June, 1852, at 11 o'clock in the forenoon, his breathing became fainter and fainter, till it ceased entirely; but so gradually and gently, that the moment of his departure was scarcely known. That eloquent voice was then hushed forever. That gigantic intellect and noble soul had quitted its tenement of clay, and soared to other worlds to explore the mysteries of a future and eternal state of being.

The two Houses of Congress convened at 12 o'clock, but already the news of Mr. Clay's death had been communicated through the capital; and before the clerk of the Senate began the reading of the journal, Mr. Hunter of Virginia rose and said, that the report of Mr. Clay's death had been circulated, and he moved that the House should adjourn. A similar motion was made and carried in the House of Representatives. These were but mere matters of form

and ceremony. The death of Henry Clay produced a profound impression of regret throughout the whole Confederacy, from the Atlantic to the Rocky Mountains, from the bleak hills of Maine to the balmy cotton-fields of Louisiana. No statesman ever departed in this country, since the death of Washington, whose decease was so universally regretted; for it may without exaggeration be asserted, that no other public man in the nation, save "the Father of his Country," ever possessed so strong a hold upon the sympathies and admiration of so large a proportion of the community, of various parties, sects and creeds.

CHAPTER XVI.

HENRY CLAY'S OBSEQUIES AT WASHINGTON — REMARKS OF MR. UNDERWOOD — EULOGY PRONOUNCED BY MR. SEWARD — THE ADDRESS OF MR. BRECKENRIDGE — RELIGIOUS SERVICES IN THE SENATE CHAMBER — THE REMAINS CONVEYED TO LEXINGTON — THEIR RECEPTION THERE — INTENSE POPULAR FEELING — ADDRESSES — MASTERLY EULOGY BY MR. CRITTENDEN.

ON the 30th of June, 1852, a solemn and imposing scene was presented in the Senate chamber at Washington. In it was assembled all that was great and illustrious in the Federal capital; — the members of both Houses, the Cabinet Ministers, the heads of bureaux, Judges of the Supreme Court, and many eminent private persons crowded the apartment. The chaplain of the Senate commenced the proceedings with prayer. Afterward the journal was read; and then the theme which engrossed and saddened all hearts, called forth the eloquent utterances and eulogies of many of the most gifted Representatives in the land. The American people, bereaved by death of their favorite patriot and statesman, were about to utter their griefs, and at the same time to bestow their benedictions upon his memory, through the lips of those who had been his honored associates.

Mr. Underwood of Kentucky, the colleague of Mr.

Clay, first arose, and formally announced the fact of his death. He then proceeded to dwell upon the character and merits of the deceased. His remarks were a fitting tribute to the departed patriot, and concluded with the offering of appropriate resolutions. He was followed by Mr. Cass, whose impressive and eloquent address was as follows:

“Mr. President: Again has an impressive warning come to teach us that in the midst of life we are in death. The ordinary labors of this Hall are suspended, and its contentions hushed, before the power of Him who says to the storm of human passions, as He said of old to the waves of Galilee, ‘PEACE, BE STILL.’ The lessons of His Providence, severe as they may be, often become merciful dispensations, like that which is now spreading sorrow through the land, and which is reminding us that we have higher duties to fulfil, and graver responsibilities to encounter, than those that meet us here, when we lay our hands upon His holy word, and invoke His holy name, promising to be faithful to that Constitution which He gave us in His mercy, and will withdraw only in the hour of our blindness and disobedience, and of His own wrath.

“Another great man has fallen in our land, ripe indeed in years and in honors, but never dearer to the American people than when called from the theatre of his services and renown, to that final bar where the lofty and the lowly must all meet at last.

“I do not rise upon this mournful occasion to indulge in the language of panegyric. My regard for the memory of the dead, and for the obligations of

the living, would equally rebuke such a course. The severity of truth is at once our proper duty and our best consolation. Born during the Revolutionary struggle, our deceased associate was one of the few remaining public men who connect the present generation with the actors in the trying scenes of that eventful period, and whose names and deeds will soon be known only in the history of their country. He was another illustration, and a noble one, too, of the glorious equality of our institutions, which freely offer all their rewards to all who justly seek them; for he was the architect of his own fortune, having made his way in life by self-exertion; and he was an early adventurer in the great forest of the West, then a world of primitive vegetation, but now the abode of intelligence and religion, of prosperity and civilization.

“But he possessed that intellectual superiority which overcomes surrounding obstacles, and which local seclusion cannot long withhold from general knowledge and appreciation. It is almost half a century since he passed through Chillicothe, then the seat of government of Ohio, where I was a member of the Legislature, on his way to take his place in this very body, which is now listening to this reminiscence, and to a feeble tribute of regard from one who then saw him for the first time, but who can never forget the impression he produced by the charms of his conversation, the frankness of his manner, and the high qualities with which he was endowed. Since then he has belonged to his country, and has taken a part, and a prominent part, both in peace and war, in all

the great questions affecting her interests and her honor; and though it has been my fortune often to differ from him, yet I believe he was as pure a patriot as ever participated in the councils of a nation, anxious for the public good, and seeking to promote it during all the vicissitudes of a long and eventful life. That he exercised a powerful influence within the sphere of his action, through the whole country, indeed we all feel and know; and we know, too, the eminent endowments which gave him this high distinction. Frank and fearless in the expression of his opinions, and in the performance of his duties—with rare powers of eloquence, which never failed to rivet the attention of his auditory, and which always commanded admiration, even when they did not carry conviction—prompt in decision and firm in action, and with a vigorous intellect, trained in the contests of a stirring life, and strengthened by enlarged experience and observation, joined withal to an ardent love of country, and to great purity of purpose—these were the elements of his power and success. And we dwell upon them with mournful gratification, now when we shall soon follow him to the cold and silent tomb, where we shall commit earth to earth, ashes to ashes, dust to dust, but with the blessed conviction of the truth of that Divine revelation, which teaches us that there is life and hope beyond the narrow house, where we shall leave him alone to the mercy of his God and of ours.

“He has passed beyond the reach of human praise or censure; but the judgment of his contemporaries has preceded and pronounced the judgment of his-

tory, and his name and fame will shed lustre upon his country, and will be proudly cherished in the hearts of his countrymen for long ages to come. Yes, they will be cherished and freshly remembered when these marble columns that surround us, so often the witnesses of his triumphs, but in a few brief hours, when his mortal frame, despoiled of the immortal spirit, shall rest under this dome for the last time, to become the witnesses of his defeat in that final contest where the mightiest fall before the great destroyer — when these marble columns shall themselves have fallen, like all the works of man, leaving their broken fragments to tell the story of former magnificence, amid the very ruins which announce decay and desolation.

“I was often with him during his last illness, when the world, and the things of the world, were fast fading away before him. He knew that the silver cord was almost loosed, and that the golden bowl was breaking at the fountain ; but he was resigned to the will of Providence, feeling that He who gave has the right to take away in His own good time and manner. After his duty to his Creator, and his anxiety for his family, his first care was for his country, and his first wish for the preservation and perpetuation of the Constitution and the Union, dear to him in the hour of death, as they had ever been in the vigor of life. Of that Constitution and Union whose defence, in the last and greatest crisis of their peril, had called forth all his energies, and had stimulated those memorable and powerful exertions, which he who witnessed can never forget, and which no doubt hastened the final catastrophe, a nation now deplures with a

sincerity and unanimity not less honorable to themselves than to the memory of the object of their affections. And when we shall enter that narrow valley through which he has passed before us, and which leads to the judgment-seat of God, may we be able to say, through faith in His Son, our Saviour, and in the beautiful language of the hymn of the dying Christian — dying, but ever living and triumphant :

“ ‘The world recedes, it disappears!
Heaven opens on my eyes! my ears
With sounds seraphic ring:
Lend, lend your wings! I mount, I fly!
Oh grave, where is thy victory?
Oh death, where is thy sting?’ ”

“ Let me die the death of the righteous, and let my last end be like his.”

From among the many other eloquent tributes which were paid, on this occasion, to the virtues of Mr. Clay, with which we might fitly conclude this narrative of his career, we select the two which follow, as most appropriate and impressive. Mr. Seward, of New York, addressed the Senate as follows :

“ Mr. President, fifty years ago, Henry Clay, of Virginia, already adopted by Kentucky, then as youthful as himself, entered the service of his country, a Representative in the unpretending Legislature of that rising State ; and having thenceforward pursued, with ardor and constancy, the gradual paths of an aspiring change through halls of Congress, foreign courts, and Executive councils, he has now, with the cheerfulness of a patriot, and the serenity of a Christian, fitly closed his long and arduous career, here in

the Senate, in the full presence of the Republic, looking down upon the scene with anxiety and alarm—not merely a Senator like one of us who yet remain in the Senate-House, but filling that character which, though it had no authority of law, and was assigned without suffrage, Augustus Cæsar nevertheless declared was above the title of Emperor, *Primus inter Illustres*—the Prince of the Senate.

“Generals are tried, Mr. President, by examining the campaigns they have lost or won, and statesmen by reviewing the transactions in which they have been engaged. Hamilton would have been unknown to us had there been no Constitution to be created, as Brutus would have died in obscurity had there been no Cæsar to be slain.

“Colonization, revolution, and organization—three great acts in the drama of our national progress—had already passed when the western patriot appeared on the public stage. He entered in that next division of the majestic scenes which was marked by an inevitable reaction of political forces, a wild strife of factions, and ruinous embarrassments in our foreign relations. This transition stage is always more perilous than any other in the career of nations, and especially in the career of republics. It proved fatal to the Commonwealth of England. Scarcely any of the Spanish-American States has yet emerged from it; and it has more than once been sadly signalized by the ruin of the republican cause in France.

“The continuous administration of Washington and John Adams had closed under a cloud which had thrown a broad, dark shadow over the future;

the nation was deeply indebted at home and abroad, and its credit was prostrate. The revolutionary factions had given place to two inveterate parties, divided by a gulf which had been worn by the conflict in which the Constitution was adopted, and made broader and deeper by a war of prejudices concerning the merits of the belligerents in the great European struggle that then convulsed the civilized world. Our extraordinary political system was little more than an ingenious theory, not yet practically established. The Union of the States was as yet only one of compact; for the political, social, and commercial necessities to which it was so marvellously adapted, and which, clustering thickly upon it, now render it indissoluble, had not then been broadly disclosed, nor had the habits of acquiescence, and the sentiments of loyalty, always slow of growth, fully ripened. The bark that had gone to sea, thus unfurnished and untried, seemed quite certain to founder by reason of its own inherent frailty, even if it should escape unharmed in the great conflict of nations, which acknowledged no claims of justice, and tolerated no pretensions of neutrality. Moreover, the territory possessed by the nation was inadequate to commercial exigencies, and indispensable social expansion; and yet no provision had been made for enlargement, nor for extending the political system over distant regions, inhabited or otherwise, which must inevitably be acquired. Nor could any such acquisition be made without disturbing the carefully-adjusted balance of powers among the members of the Confederacy.

“These difficulties, Mr. President, although they grew less with time and by slow degrees, continued throughout the whole life of the statesman whose obsequies we are celebrating. Be it known, then—and I am sure that history will confirm the instruction—that conservatism was the interest of the nation, and the responsibility of its rulers, during the period in which he flourished. He was ardent, bold, generous, and even ambitious; and yet, with a profound conviction of the true exigencies of the country, like Alexander Hamilton, he disciplined himself, and trained a restless nation, that knew only self-control, to the rigorous practice of that often humiliating conservatism which its welfare and security in that peculiar crisis so imperiously demanded.

“It could not have happened, sir, to any citizen to have acted alone, nor even to have acted always the most conspicuous part in a trying period so long protracted. Henry Clay, therefore, shared the responsibilities of Government with not only his proper contemporaries, but also survivors of the Revolution, as well as also many who will now succeed himself. Delicacy forbids my naming those who retain their places here; but we may, without impropriety, recall among his compeers a Senator of vast resources and inflexible resolve, who has recently withdrawn from this chamber, but I trust not altogether from public life (Mr. Benton); and another, who, surpassing all his contemporaries within his country, and even throughout the world, in the proper eloquence of the forum, now, in autumnal years, for a second time dignifies and adorns the highest seat in the Executive Council

(Mr. Webster). Passing by these eminent and noble men, the shades of Calhoun, John Quincy Adams, Jackson, Monroe, Madison, and Jefferson, rise up before us—statesmen whose living and local fame has ripened already into historical and world-wide renown.

“Among geniuses so lofty as these, Henry Clay bore a part in regulating the constitutional freedom of political debate; establishing that long-contested and most important line which divides the sovereignty of the several States from that of the States confederated; asserting the right of neutrality, and vindicating it by a war against Great Britain, when that just but extreme measure became necessary; adjusting the terms on which that perilous, yet honorable contest, was brought to a peaceful close; perfecting the Army, and the Navy, and national fortifications: settling the fiscal and financial policy of the Government in more than one crisis of apparently-threatened revolution; asserting and calling into exercise the powers of the Government for making and improving internal communications between the States; arousing and encouraging the Spanish-American colonies on this continent to throw off the foreign yoke, and to organize governments on principles congenial to our own, and thus creating external bulwarks for our own national defence; establishing equal and impartial peace and amity with all existing maritime powers; and extending the constitutional organization of Government over vast regions, all secured in his lifetime by purchase or by conquest, whereby the pillars of the Republic have been removed from the banks of the St. Mary’s to the borders of the

Rio Grande, and from the margin of the Mississippi to the Pacific coast. We may not yet discuss the wisdom of the several measures which have thus passed in review before us, nor of the positions which the deceased statesman assumed in regard to them; but we may, without offence, dwell upon the comprehensive results of them all.

“The Union exists in absolute integrity, and the Republic in complete and triumphant development. Without having relinquished any part of their individuality, the States have more than doubled already, and are increasing in numbers and growing in political strength and expansion more rapidly than ever before. Without having absorbed any State, or having even encroached on any State, the Confederation has opened itself so as to embrace all the new members who have come; and now, with capacity for further and indefinite enlargement, has become fixed, enduring, and perpetual. Although it was doubted, only half a century ago, whether our political system could be maintained at all, and whether, if maintained, it could guarantee the peace and happiness of society, it stands now confessed by the world the form of government not only most adapted to empire, but also most congenial with the constitution of human nature.

“When we consider that the nation has been conducted to this haven, not only through stormy seas, but altogether also without a course and without a star; and when we consider, moreover, the sum of happiness that has already been enjoyed by the American people, and still more the influence which the

great achievements is exerting on the advancement and melioration of the condition of mankind, we see at once that it might have satisfied the highest ambition to have been, no matter how humbly, concerned in so great a transaction.

“Certainly, sir, no one will assert that Henry Clay in that transaction performed an obscure or even a common part. On the contrary, from the day on which he entered the public service, until that on which he passed the gates of death, he was never a follower, but always a leader; and he marshalled either the party which sustained, or that which resisted, every great measure, equally in the Senate and in the popular canvass. And he led where duty seemed to him to indicate, reckless whether he encountered one President or twenty Presidents, whether he was opposed by factions or even by the whole people. Hence it has happened that, although that people are not yet agreed among themselves on the wisdom of all or perhaps of even any of his great measures, yet they are nevertheless unanimous in acknowledging that he was at once the greatest, the most faithful, and the most reliable of their statesmen. Here the effort at discriminating praise of Henry Clay in regard to his public policy must stop, even on this sad occasion, which awakens the ardent liberality of his generous survivors.

“But his personal qualities may be discussed without apprehension. What were the elements of the success of that extraordinary man? You, sir, knew him longer and better than I, and I would prefer to hear you speak of them. He was indeed eloquent—

all the world knows that. He held the keys to the hearts of his countrymen, and he turned the wards within them with a skill attained by no other master.

“But eloquence was nevertheless only an instrument, and one of many that he used. His conversation, his gestures, his very look, was magisterial, persuasive, seductive, irresistible. And his appliance of all these was courteous, patient, and indefatigable. Defeat only inspired him with new resolution. He divided opposition by his assiduity of address, while he rallied and strengthened his own bands of supporters by the confidence of success which, feeling himself, he easily inspired among his followers. His affections were high, and pure, and generous, and the chiefest among them was that one which the great Italian poet designated as the charity of native land. In him that charity was an enduring and overpowering enthusiasm, and it influenced all his sentiments and conduct, rendering him more impartial between conflicting interests and sections, than any other statesman who has lived since the Revolution. Thus with great versatility of talent, and the most catholic equality of favor, he identified every question, whether of domestic administration or foreign policy, with his own great name, and so became a perpetual Tribune of the people. He needed only to pronounce in favor of a measure or against it, here, and immediately popular enthusiasm, excited as by a magic wand, was felt, overcoming and dissolving all opposition in the Senate Chamber.

“In this way he wrought a change in our political system, that I think was not foreseen by its founders.

He converted this branch of the Legislature from a negative position, or one of equilibrium between the Executive and the House of Representatives, into the active ruling power of the Republic. Only time can disclose whether this great innovation shall be beneficent, or even permanent.

“Certainly, sir, the great lights of the Senate have set. The obscuration is not less palpable to the country than to us, who are left to grope our uncertain way here, as in a labyrinth, oppressed with self-distrust. The time, too, presents new embarrassments. We are rising to another and more sublime stage of national progress—that of expanding wealth and rapid territorial aggrandizement.”

At a later hour of the day John C. Breckenridge, of Kentucky, rose and said :

“Mr. Speaker: I rise to perform the melancholy duty of announcing to this body the death of Henry Clay, late a Senator in Congress from the Commonwealth of Kentucky.

“Mr. Clay expired at his lodgings in this city yesterday morning, at seventeen minutes past eleven o'clock, in the seventy-sixth year of his age. His noble intellect was unclouded to the last. After protracted sufferings, he passed away without pain; and so gently did the spirit leave his frame, that the moment of departure was not observed by the friends who watched at his bedside. His last hours were cheered by the presence of an affectionate son, and he died surrounded by friends who, during his long illness, had done all that affection could suggest to soothe his sufferings.

“Although this sad event has been expected for many weeks, the shock it produced, and the innumerable tributes of respect to his memory exhibited on every side, and in every form, prove the depth of the public sorrow and the greatness of the public loss.

“Imperishably associated as his name has been for fifty years with every great event affecting the fortunes of our country, it is difficult to realize that he is indeed gone forever. It is difficult to feel that we shall see no more his noble form within these walls—that we shall hear no more his patriot tones, now rousing his countrymen to vindicate their rights against a foreign foe, now imploring them to preserve concord among themselves. We shall see him no more. The memory and the fruits of his services alone remain to us. Amidst the general gloom, the Capitol itself looks desolate, as if the genius of the place had departed. Already the intelligence has reached almost every quarter of the Republic, and a great people mourn with us, to-day, the death of their most illustrious citizen. Sympathizing, as we do, deeply, with his family and friends, yet private affliction is absorbed in the general sorrow. The spectacle of a whole community lamenting the loss of a great man, is far more touching than any manifestation of private grief. In speaking of a loss which is national, I will not attempt to describe the universal burst of grief with which Kentucky will receive these tidings. The attempt would be vain to depict the gloom that will cover her people, when they know that the pillar of fire has been removed which has guided their footsteps for the life of a generation.

“It is known to the country that, from the memorable session of 1849–50, Mr. Clay’s health gradually declined. Although several years of his senatorial term remained, he did not propose to continue in the public service longer than the present session. He came to Washington chiefly to defend, if it should become necessary, the measures of adjustment, to the adoption of which he so largely contributed; but the condition of his health did not allow him, at any time, to participate in the discussions of the Senate. During the winter he was confined almost wholly to his room, with slight changes in his condition, but gradually losing the remnant of his strength. During the long and dreary winter, he conversed much and cheerfully with his friends, and expressed a deep interest in public affairs. Although he did not expect a restoration to health, he cherished the hope that the mild season of spring would bring to him strength enough to return to Ashland, and die in the bosom of his family. But alas! spring that brings life to all nature, brought no life nor hope to him. After the month of March, his vital powers rapidly wasted, and for weeks he lay patiently awaiting the stroke of death. But the approach of the destroyer had no terrors for him. No clouds overhung his future. He met the end with composure, and his pathway to the grave was brightened by the immortal hopes which spring from the Christian faith.

“Not long before his death, having just returned from Kentucky, I bore to him a token of affection from his excellent wife. Never can I forget his appearance, his manner, or his words. After speaking

of his family, his friends, and his country, he changed the conversation to his own future, and looking on me with his fine eye undimmed, and his voice full of its original compass and melody, he said, 'I am not afraid to die, sir. I have hope, faith, and some confidence. I do not think any man can be entirely certain in regard to his future state, but I have an abiding trust in the merits and mediation of our Saviour.' It will assuage the grief of his family to know that he looked hopefully beyond the tomb; and a Christian people will rejoice to hear that such a man, in his last hours, reposed with simplicity and confidence on the promises of the gospel.

"It is the custom, on occasions like this, to speak of the parentage and childhood of the deceased, and to follow him, step by step, through life. I will not attempt to relate even all the great events of Mr. Clay's life, because they are familiar to the whole country, and it would be needless to enumerate a long list of public services which form a part of American history.

"Beginning life as a friendless boy, with few advantages save those conferred by nature, while yet a minor he left Virginia, the State of his birth, and commenced the practice of law at Lexington, in Kentucky. At a bar remarkable for its numbers and talent, Mr. Clay soon rose to the first rank. At a very early age he was elected from the county of Fayette to the General Assembly of Kentucky, and was the Speaker of that body. Coming into the Senate of the United States, for the first time, in 1806, he entered upon a parliamentary career, the

most brilliant and successful in our annals. From that time he remained habitually in the public eye. As a Senator, as a member of this House, and its Speaker, as a representative of his country abroad, and as a high officer in the executive department of the Government, he was intimately connected for fifty years with every great measure of American policy. Of the mere party measures of this period, I do not propose to speak. Many of them have passed away, and are remembered only as the occasion for the great intellectual efforts which marked their discussion. Concerning others, opinions are still divided. They will go into history, with the reasons on either side rendered by the greatest intellects of the time.

“As a leader in a deliberative body, Mr. Clay had no equal in America. In him, intellect, person, eloquence, and courage, united to form a character fit to command. He fired with his own enthusiasm, and controlled by his amazing will, individuals and masses. No reverse could crush his spirit, nor defeat reduce him to despair. Equally erect and dauntless in prosperity and adversity, when successful he moved to the accomplishment of his purposes with severe resolution; when defeated, he rallied his broken bands around him, and from his eagle eye shot along their ranks the contagion of his own courage. Destined for a leader, he everywhere asserted his destiny. In his long and eventful life, he came in contact with men of all ranks and professions, but he never felt that he was in the presence of a man superior to himself. In the assemblies of the people, at the bar, in

the Senate — everywhere within the circle of his personal presence, he assumed and maintained a position of pre-eminence.

“But the supremacy of Mr. Clay as a party leader, was not his only nor his highest title to renown. That title is to be found in the purely patriotic spirit which, on great occasions, always signalized his conduct. We have had no statesman who, in periods of real and imminent public peril, has exhibited a more genuine and enlarged patriotism than Henry Clay. Whenever a question presented itself actually threatening the existence of the Union, Mr. Clay, rising above the passions of the hour, always exerted his powers to solve it peacefully and honorably. Although more liable than most men, from his impetuous and ardent nature, to feel strongly the passions common to us all, it was his rare faculty to be able to subdue them in a great crisis, and to hold toward all sections of the Confederacy the language of concord and brotherhood.

“Sir, it will be a proud pleasure to every true American heart to remember the great occasions when Mr. Clay has displayed a sublime patriotism — when the ill-temper engendered by the times, and the miserable jealousies of the day, seemed to have been driven from his bosom by the expulsive power of nobler feelings — when every throb of his heart was given to his country, every effort of his intellect dedicated to her service. Who does not remember the three periods when the American system of government was exposed to its severest trials; and who does not know that when History shall relate the struggles

which preceded the dangers which were averted by the Missouri Compromise, the Tariff Compromise of 1833, and the adjustment of 1850, the same pages will record the genius, the eloquence, and the patriotism of Henry Clay?

“Nor was it in Mr. Clay’s nature to lag behind until measures of adjustment were matured, and then come forward to swell a majority. On the contrary, like a bold and real statesman, he was ever among the first to meet the peril, and hazard his fame upon the remedy. It is fresh in the memory of us all that, when lately the fury of sectional discord threatened to sever the Confederacy, Mr. Clay, though withdrawn from public life, and oppressed by the burden of years, came back to the Senate, the theatre of his glory, and devoted the remnant of his strength to the sacred duty of preserving the union of the States.

“With characteristic courage, he took the lead in proposing a scheme of settlement. But, while he was willing to assume the responsibility of proposing a plan, he did not, with petty ambition, insist upon its adoption to the exclusion of other modes; but, taking his own as a starting-point for discussion and practical action, he nobly labored with his compatriots to change and improve it in such form as to make it an acceptable adjustment. Throughout the long and arduous struggle, the love of country expelled from his bosom the spirit of selfishness; and Mr. Clay proved, for the third time, that though he was ambitious, and loved glory, he had no ambition to mount to fame on the confusions of his country. And this conviction is lodged in the hearts of the people; the

party measures and the party passions of former times have not, for several years, interposed between Mr. Clay and the masses of his countrymen. After 1850, he seemed to feel that his mission was accomplished, and during the same period, the regards and affections of the American people have been attracted to him in a remarkable degree. For many months the warmest feelings, the deepest anxieties of all parties, centered upon the dying statesman; the glory of his great actions shed a mellow lustre on his declining years, and to fill the measure of his fame, his countrymen, weaving for him the laurel wreath, with common hands, did bind it about his venerable brow, and send him, crowned, to history.

“The life of Mr. Clay, sir, is a striking example of the abiding fame which surely awaits the direct and candid statesman. The entire absence of equivocation or disguise in all his acts, was his master-key to the popular heart; for while the people will forgive the errors of a bold and open nature, he sins past forgiveness who deliberately deceives them. Hence Mr. Clay, though often defeated in his measures of policy, always secured the respect of his opponents without losing the confidence of his friends. He never paltered in a double sense. The country never was in doubt as to his opinions or his purposes. In all the contests of his time, his position on great public questions was as clear as the sun in the cloudless sky. Sir, standing by the grave of this great man, and considering these things, how contemptible does appear the mere legerdemain of politics! What a reproach is his life on that false policy which would

trifle with a great and upright people! If I were to write his epitaph, I would inscribe as the highest eulogy, on the stone which shall mark his resting-place, 'Here lies a man who was in the public service for fifty years, and never attempted to deceive his countrymen.'

"While the youth of America should imitate his noble qualities, they may take courage from his career, and note the high proof it affords that, under our equal institutions, the avenues to honor are open to all. Mr. Clay rose by the force of his own genius, unaided by power, patronage, or wealth. At an age when our young men are usually advanced to the higher schools of learning, provided only with the rudiments of an English education, he turned his steps to the West, and, amidst the rude collisions of a border life, matured a character whose highest exhibitions were destined to mark eras in his country's history. Beginning on the frontiers of American civilization, the orphan boy, supported only by the consciousness of his own powers, and by the confidence of the people, surmounted all the barriers of adverse fortune, and won a glorious name in the annals of his country. Let the generous youth, fired with honorable ambition, remember that the American system of government offers on every hand bounties to merit. If, like Clay, orphanage, obscurity, poverty, shall oppress him; yet if, like Clay, he feels the Promethean spark within, let him remember that his country, like a generous mother, extends her arms to welcome and to cherish every one of her children whose genius and worth may promote her prosperity or increase her renown.

“Mr. Speaker, the signs of woe around us, and the general voice, announce that another great man has fallen. Our consolation is that he was not taken in the vigor of his manhood, but sunk into the grave at the close of a long and illustrious career. The great statesmen who have filled the largest space in the public eye, one by one are passing away. Of the three great leaders of the Senate, one alone remains, and he must follow soon. We shall witness no more their intellectual struggles in the American forum; but the monuments of their genius will be cherished as the common property of the people, and their names will continue to confer dignity and renown upon their country.

“Not less illustrious than the greatest of these will be the name of Clay—a name pronounced with pride by Americans in every quarter of the globe; a name to be remembered while history shall record the struggles of modern Greece for freedom, or the spirit of liberty burn in the South American bosom; a living and immortal name—a name that would descend to posterity without the aid of letters, borne by tradition from generation to generation. Every memorial of such a man will possess a meaning and a value to his countrymen. His tomb will be a hallowed spot. Great memories will cluster there, and his countrymen, as they visit it, may well exclaim:

‘Such graves as his are pilgrim shrines,
Shrines to no creed confined;
The Delphian vales, the Palestines,
The Meccas of the mind.’

“Mr. Speaker, I offer the following resolutions :

“*Resolved*, That the House of Representatives of the United States has received, with the deepest sensibility, intelligence of the death of Henry Clay.

“*Resolved*, That the officers and members of the House of Representatives will wear the usual badge of mourning for thirty days, as a testimony of the profound respect this House entertains for the memory of the deceased.

“*Resolved*, That the officers and members of the House of Representatives, in a body, will attend the funeral of Henry Clay, on the day appointed for that purpose by the Senate of the United States.

“*Resolved*, That the proceedings of this House, in relation to the death of Henry Clay, be communicated to the family of the deceased by the clerk.

“*Resolved*, That as a further mark of respect for the memory of the deceased, this House do now adjourn.”

On the 1st of July the funeral ceremonies took place in the Senate Chamber. The service of the Protestant Episcopal Church was read by the Rev. Mr. Butler, the Chaplain. The same assemblage of distinguished officials of all descriptions, who had been present on the preceding day, during the delivery of the eulogies, now also adorned and imparted dignity to the scene. The body of the deceased was carried to the centre of the Chamber, having been placed in a superb sarcophagus, the form of which resembled the outlines of the human body. A discourse was then delivered by the chaplain appropriate to the occasion. It was solemn, eloquent, and im-

pressive. At its conclusion the body was removed to the Rotunda, and the assembly permitted to behold the features of the departed statesman. The remains were afterward taken, followed by the funeral procession, to the dépôt of the Baltimore railroad, whence they were conveyed toward their final resting-place at Lexington, in Kentucky.

The mournful *cortège* arrived at that city about sunset, on Friday, July the 9th. A vast and silent multitude awaited its approach. A committee appointed by the citizens of Lexington, were in readiness to receive them. Upon delivering the remains into their keeping, Mr. Underwood addressed them as follows :

“MR. CHAIRMAN, and gentlemen of the Lexington Committee :

“Mr. Clay desired to be buried in the cemetery of your city. I made known his wish to the Senate, after he was dead. That body, in consideration of the respect entertained for him, and his long and eminent public services, appointed a committee of six Senators to attend his remains to this place. My relations to Mr. Clay, as his colleague, and as the mover of the resolution, induced the President of the Senate to appoint me the chairman of the committee. The other gentlemen comprising the committee are distinguished, all of them, for eminent civil services, each having been the executive head of a State or Territory, and some of them no less distinguished for brilliant military achievements. I cannot permit this occasion to pass without an expression of my gratitude to each member of the

Senate's committee. They have, to testify their personal respect and appreciation of the character, private and public, of Mr. Clay, left their seats in the Senate, for a time, and honored his remains by conducting them to their last resting-place. I am sure that you, gentlemen of the Lexington committee, and the people of Kentucky, will ever bear my associates in grateful remembrance.

"Our journey, since we left Washington, has been a continued procession. Everywhere the people have pressed forward to manifest their feelings toward the illustrious dead. Delegates from cities, towns, and villages, have waited on us. The pure and the lovely, the mothers and daughters of the land, as we passed, covered the coffin with garlands of flowers, and bedewed it with tears. It has been no triumphal procession in honor of a living man, stimulated by hopes of reward. It has been the voluntary tribute of a free and grateful people to the glorious dead. We have brought with us, to witness the last sad ceremony, a delegation from the Clay Association of the city of New York, and delegations from the cities of Cincinnati and Dayton, in Ohio. Much as we have seen on our way, it is small compared with the great movement of popular sympathy and admiration which everywhere burst forth in honor of the departed statesman. The rivulets we have witnessed are concentrating; and in their union will form the ocean tide that shall lave the base of the pyramid of Mr. Clay's fame forever.

"Mr. Chairman and gentlemen of the Lexington Committee, I have but one remaining duty to perform,

and that is, to deliver to you, the neighbors and friends of Mr. Clay when living, his dead body for interment. From my acquaintance with your characters, and especially with your Chairman, who was my schoolmate in boyhood, my associate in the Legislature in early manhood, and afterward a co-laborer, for many years, on the bench of the Appellate Court, I know that you will do all that duty and propriety require, in burying him, whose last great services to his country were performed from Christian motives, without hopes of office or earthly reward."

The Chairman of the Lexington committee, Chief-Justice Robertson, deeply affected, replied as follows:

"Senator Underwood, Chairman, and Associate Senators of the Committee of Conveyance:

"Here your long and mournful cortège at last ends—your melancholy mission is now fulfilled—and, this solemn moment, you dissolve forever your official connection with your late distinguished colleague of Kentucky.

"With mingled emotions of sorrow and gratitude, we receive from your hands, into the arms of his devoted State and the bosom of his beloved city, all that now remains on earth of Henry Clay. Having attained, with signal honor, the patriarchal age of seventy-six, and hallowed his setting sun by the crowning act of his eventful drama, a wise and benevolent Providence has seen fit to close his pilgrimage, and to allow him to act—as we trust he was prepared to act—a still nobler and better part in a purer world, where life is deathless. This was, doubtless, best for him, and, in the inscrutable dispensations of a benign

nant Almighty, best for his country. Still, it is but natural that his countrymen, and his neighbors especially, should feel and exhibit sorrow at the loss of a citizen so useful, so eminent, and so loved. And not as his associates only, but as Kentuckians and Americans, we of Lexington and Fayette feel grateful for the unexampled manifestations of respect for his memory, to which you have so eloquently alluded, as having everywhere graced the more than triumphal procession of his dead body homeward from the national capital, where, in the public service, he fell with his armor on and untarnished. We feel, Mr. Chairman, especially grateful to yourself and your colleagues here present, for the honor of your kind accompaniment of your precious deposit to his last home. Equally divided in your party names, equally the personal friends of the deceased, equally sympathizing with a whole nation in the Providential bereavement, and all distinguished for your public services and the confidence of constituents,—you were peculiarly suited to the sacred trust of escorting his remains to the spot chosen by himself for their repose. Having performed that solemn service in a manner creditable to yourselves and honorable to his memory, Kentucky thanks you for your patriotic magnanimity. And allow me, as her organ on this valedictory occasion, to express for her, as well as for myself and committee, the hope that your last days may be far distant, and that, come when they may, as they certainly must come, sooner or later, to all of you, the death of each of you may deserve to be honored by the grateful outpourings of national re-

spect which signalize the death of our universally lamented Clay.

“Unlike Burke, he never ‘gave up to the party what was meant for mankind.’ His intrepid nationality, his lofty patriotism, and his comprehensive philanthropy, illustrated by his country’s annals for half a century, magnified him among statesmen, and endeared him to all classes, and ages, and sexes of his countrymen. And therefore his name, like Washington’s, will belong to no party, or section, or time.

“Your kind allusion, Mr. Chairman, to reminiscences of our personal associations, is cordially reciprocated,—the longer we have known, the more we have respected each other. Be assured that the duty you have devolved on our committee shall be faithfully performed. The body you commit to us shall be properly interred in a spot of its mother earth, which, as ‘THE GRAVE OF CLAY,’ will be more and more consecrated by time to the affections of mankind.

“How different, however, would have been the feelings of us all, if, instead of the pulseless, speechless, breathless Clay, now in cold and solemn silence before us, you had brought with you to his family and neighbors, the *living man*, in all the majesty of his transcendent moral power, as we once knew, and often saw and heard him. But with becoming resignation, we bow to a dispensation which was doubtless as wise and beneficent as it was melancholy and inevitable.

“To the accompanying committees from New York, Dayton, and Cincinnati, we tender our pro-

found acknowledgments for their voluntary sacrifice of time and comfort to honor the obsequies of our illustrious countryman.

“In the sacred and august presence of the illustrious dead, were a eulogistic speech befitting the occasion, it could not be made by me. *I* could not thus speak over the dead body of Henry Clay. Kentucky expects not me, nor any other of her sons, to speak his eulogy now, if ever. She would leave that grateful task to other States, and to other times. His name needs not our panegyric. The carver of his own fortune, the founder of his own name—with his own hands he has built his own monument, and with his own tongue and his own pen he has stereotyped his autobiography. With hopeful trust his maternal Commonwealth consigns his fame to the justice of history, and to the judgment of ages to come. His ashes he bequeathed to her, and they will rest in her bosom until the judgment day; his fame will descend, as the common heritage of his country, to every citizen of that Union of which he was thrice the triumphant champion, and whose genius and value are so beautifully illustrated by his model life.

“But though we feel assured that his renown will survive the ruins of the Capitol he so long and so admirably graced, yet Kentucky will rear to his memory a magnificent mausoleum,—a votive monument,—to mark the spot where his relics shall sleep, and to testify to succeeding generations that our Republic, however unjust it may too often be to *living* merit, will ever cherish a grateful remembrance of

the *dead* patriot, who dedicated his life to his country; and with rare ability, heroic firmness, and self-sacrificing constancy, devoted his talents and his time to the cause of *Patriotism*, of *Liberty*, and of *Truth*."

"At the close of this address, the procession was formed, headed by a cavalcade of horsemen, preceding the hearse, which was followed by the Senate committee, and the deputation from New York, in carriages, as mourners; the Clay Guard, of Cincinnati; the deputation of fourteen from Dayton, Ohio; the seventy-six from Louisville, and the citizens in the rear,—their march being under the funeral arches, and through the sombre street,—lined by the silent multitude,—toward that place known to every inhabitant of the Republic, and throughout the civilized world, as the home of the great commoner.

"Who can fittingly speak of the agonized group awaiting at Ashland the arrival of the remains of him who had been husband, father, and the beloved master? That wife, who, for fifty-three years and upward, had been his faithful partner—sharer of his triumphs and of his many trials; whose saint-like virtues had secured to her the affection and veneration of all classes in the place where she was so well known; herself more than threescore years a sojourner on earth, having survived her parents and all her daughters, with gallant sons mouldering in the tomb, bending beneath the weight of this, her speechless sorrow; bowing with years, and broken in health, amid surviving children, grandchildren, and kindred; and gathering around them, the old and

young of their servants, awaited there the remains of her husband.

“Guided by the many torches, the train moved through the grounds designed and laid out under his supervision. It was in truth a solemn,—a holy scene. Under the dark shadows of the spreading grove, treading on a lawn where the wild flower, the myrtle, and the laurel were strangely mingled, they bore him toward that portal which had last seen him depart near the close of the preceding year, impelled again to cross the mountains, and to tread the Halls of Congress, because there had come to him a rumor of a threatened resumption of sectional controversies.

“They gently laid him beneath his own roof, and in that room where he had, for half a century, received the homage of countless thousands, representing all classes and callings,—the gifted and the great of either sex, — coming from every country, and travelling from all directions, to Lexington, that they might thus, in person, pay tribute to the worth, the genius, the patriotism, and surpassing excellence of the public and private character of the illustrious host.

“Beside the bier were gathered his sons, some of his grandsons, and nephews; behind these the family servants.

“The Clay Guard, of Cincinnati, solicited the honor of watching over his remains — this, the last night before sepulture.

“For the deep hours of the night,—alone with him and her God,—the widow knelt beside her husband’s corpse. For that hour it was directed that she should

not be disturbed. In that hour what other heart knew her thronging memories of joys and sorrows, save the spirit of the dead she longed to join. They had commenced together the struggles of life. Together they had planned their home, — together they had arranged their grounds, and with their own hands had planted the young shoots of what now were the stately trees of Ashland. Life had opened to them full of bright hope and promise that belong to youth, energy, and commanding abilities. She had seen him leap into a dazzling greatness, reflecting honor and dignity upon his native land, lifting his young State to the front rank of her compeers, and conferring prosperity upon his country and her citizens, while he gave stability and permanence to the institutions and laws of the land, and cemented together the Union, as he ardently desired, prayed for, and labored ceaselessly to accomplish, from end to end, — from centre to circumference. There were born to them, in this happy home, eleven children — six daughters and five sons. Where are they now? No daughter survived on whose breast that aged head could rest. Four sons only remained, and one a lunatic.

“In that dread hour, through her thronging mind passed the remembrance of a lifetime. She had the sympathy and regard of millions, and in that watch of the dead she was accompanied by the thoughts of countless thousands, who remembered what event the morrow was to commemorate in history.

“Long before the day had fairly broke (Saturday, July 10), every avenue of approach to the city was

crowded by those who came to Lexington to render their last tribute to him who had always, living, received their measureless devotion. It was computed that nearly one hundred thousand persons, of all classes and sexes, had come together on that memorable occasion.

“At an early hour, those appointed to meet at Ashland had gathered together within the house: the pall-bearers, his oldest and most distinguished friends in Kentucky, the Senate Committee, and the deputation from New York, his family and kindred. In front were arranged the deputations from other States from the Masonic fraternity, and a dense crowd were in a semi-circular array before the porch. Upon a bier, cushioned with flowers, and immediately in front of the door, they laid the iron coffin that inclosed the body of Henry Clay. Upon it shone a clear, cloudless sky. Upon the breast of it reposed the civic wreaths, while strewed around were the floral offerings of every principal place from the National Capitol to the grave.

“From Washington to the tomb was one votive offering of wreaths of oak, immortelles, the cypress, the ivy, and the laurel,—bouquets of flowers of every species, and in wondrous profusion. It was no unfrequent sight to witness youth and beauty bend and press their lips upon his sable shroud. Old men would pause beside his iron case, and burst into uncontrollable sobs. Early manhood and middle age, that had banked their hopes in him, and clung to him as their chieftain and their leader, to the last moment resisting the assured certainty that they were no more

to listen to that silver voice, nor hang upon its tones, with speechless woe at length realized, that for the future, his memory and the preservation of his patriotic principles were their future charge.

“His late colleagues in the Senate,—that reverend band of chosen intimates, who were honored as his pall-bearers, the New York delegation, and his family kindred, grouped near the porch and within his dwelling; on the porch stood the minister of God, at whose hand he had received the sacrament, when last he was alive, within those halls, — the same minister who had baptized him, his children that were left to him, and the children of his dead son, Colonel Clay, — while all around the eye rested on his near friends and neighbors, who were there assembled, and yet without these, lines of people from many States, and the far-off counties of his own.

“The funeral services were performed by the Rev. Edward F. Berkley, Rector of Christ Church, Lexington, who delivered the following address before the procession moved from Ashland:

“MY FRIENDS: A nation’s griefs are bursting forth at the fall of one of her noblest sons.

“A mighty man’ in wisdom, — in intellect, — in truth, lies in our presence to-day, insensible, inanimate, and cold. The heart which once beat with a pure and lofty patriotism, shall beat no more. The renowned statesman, who was learned in the laws of diplomacy and government, will never again give his counsel in affairs of State. And the voice which was ever raised in behalf of truth and liberty, is silenced forever!

“Indulge me in a remark or two, while I speak of him; and in consideration of the personal comfort of this immense assembly, my words shall be few.

“This is neither a proper place nor a fit occasion to dwell on the peculiar and striking incidents of his public life; and I mean to say a few words only of his character as viewed in connection with religion.

“We have not come here to weave a garland of praises for the brow of the fallen statesman, nor to throw the incense of adulation upon the urn which incloses his ashes; but we have come here to pay the last offices of respect and affection to a neighbor and a friend; and to draw, from the visitation which has stricken down one of the mightiest of our mighty men, such lessons as are calculated to teach us ‘what shadows we are, and what shadows we pursue.’

“Our venerated friend has been before the public eye for half a century; and for nearly the whole of that period in the occupancy of high public places. He has done the State great service. He combined in his character such elements as could make him no other man than he was, except that he might have been as great a soldier as he was a statesman and orator. But the crowning excellence of all his virtues was this — he was a Christian.

“As he was eminently open, candid, and honest, in his long public career, so was he deeply sincere in his adoption, as the rule of his life, of the principles of our holy religion.

“Although the suns of seventy summers had shone down upon him before he made a public profession of Christ, yet, when he did make it, he did it, not

mechanically, and as a matter of course, because he was an old man, — he did it heartily, and upon conviction, because he felt himself to be a sinner, and because he felt the need of a Saviour! And when he came to make inquiry, What shall I do? and it was told him what he ought to do,—he did it gladly,—he made haste to fulfil the purposes of his heart! And his great mind being brought to the investigation of the pure and simple doctrines of the Cross, new beauties, in a new world, broke in upon him, of the existence of which, to their full extent, he had never dreamed before. And I know that in times when he lay under the hand of disease, and of great bodily infirmity, here at home, he clung to those doctrines, by a lively faith, as the highest consolation of his soul.

“Although he had his Church preferences, yet the power and influence of the teachings of Christianity, rightly understood, gave rise to sympathies in his nature which extended to all Christian people.

“Surrounded as he was by the allurements and fascination of a high public place, nevertheless, he strove to walk in the pure and perfect way; and by a steady maintenance of the principles which bound him to religion and to God, like the eagle, with his eye fixed upon the sun, his course was onward and upward!

“And these principles, which our illustrious friend found so comforting and consoling in life, did not forsake him when he had nothing else on earth to cling to.

“In reference to some of his last hours, a lady connected with him by family, who recently spent seve-

ral days at his bedside, writes: 'He is longing to be gone, and said something of this kind to me, which caused me to ask him if he did not feel perfectly willing to wait until the Almighty called him. He replied, O, my dear child, do not misunderstand me,—I supplicate Him continually for patience to do so. I am ready to go,—no, not *ready*, but *willing*. We are none of us *ready*. We cannot trust in our own merits, but must look to Him *entirely*.'

"The writer adds: 'He is the most gentle, patient, and affectionate sick person I almost ever saw,—thanks you for everything, and is as little trouble as he can possibly be.'

"And this is the power of religion upon a vigorous and discriminating mind—a mind fully capable of meeting all the great emergencies which have ever arisen in its collisions with other great minds, at the bar, in the Senate, and in the forum.

"And oh! the recollection to mourning friends, and to a mourning country, is of the most consoling interest, that as in his life, by his genius and wisdom, he threw light, and peace, and blessing upon his country, so, in his death, the glorious Giver of grace and wisdom threw light, and peace, and blessing upon him,—borne upward, as he was, by the aspirations to heaven of a million hearts.

"But his earthly career is run. Full of age and full of honors, he goes down to earth, to ashes, and to dust. A man of extraordinary genius; a man of the highest practical wisdom, possessing the largest powers of true eloquence—a pure patriot, a sincere Christian, and a friend of his race.

“His friends will grieve for him—the Church has lost him—his country will bewail him; and hereafter, when the passing traveller shall come to Ashland, and look for the bland, agreeable, and hospitable host, *he will not find him here!* His aged wife, who, for more than fifty years, has grieved with him in his sorrows, and rejoiced with him in his public success, shall go down unto the grave, mourning; and men in every civilized nation of the earth will shed a tear at the fall of such a man. But he has gone to a brighter and a better world; while this memorial shall remain of him here, that he was as simple and sincere in his religion, as he was great in wisdom and mighty in intellect.

“God is no respecter of persons. Neither genius, nor wisdom, nor power, nor greatness can avert the fatal darts which fly thick and fast around us. If public services of the highest value, a fair fame which reaches to the utmost habitations of civilized man, and integrity as stern as steel, could have done this, a nation had not been in tears to-day.

“But the great and the humble, the useful and the useless, the learned and the ignorant, the mighty and the mean, the public and the private man, must all alike lie down in the cold chambers of the grave! Death is the common leveller of men and of nations. Temples and monuments, which have been erected to perpetuate the achievements of statesmen and of heroes in past ages, have been ruined and robbed of their grandeur by the insatiate tooth of time,—not a vestige remains of the glory that once covered the

earth, and not a stone to mark the spot where the master of the world was laid.

“And this is the end of man! This the obscurity and oblivion to which he shall come at last! But his end may be worse than this, if he has no hope in the blessed SAVIOUR’S death. For whoever confides in the world for the bestowment of true happiness — whoever trusts to its gains, its pleasures, or its honors, to bring him peace at the last, will find himself miserably imposed upon, and grievously deluded. He will find that this misplaced confidence will involve him in ruin, as inevitable as it will be eternal!

“‘Lean not on earth! ’twill pierce thee to the heart;—
A broken reed at best, but oft a spear!
On its sharp point, peace bleeds and hope expires.’

“If we aspire to a true, a deathless immortality, let us not seek it in the praises of men, or in the enrolment of our name upon the page of history; for these all shall perish! But let us seek, by obedience to God and a recognition of the claims of religion, to have our names written in the Lamb’s Book of Life. This, and this only, will guarantee an immortality as imperishable as the heavens, and as certain as the Life of God.

“The observation is almost universal, that ‘all men think all men mortal but themselves.’ And yet there is nothing more surely reserved for us in the future than disease and dissolution. And these, too, may, and very often do, come when we are least expecting a disturbance of our plans.

“The statesman falls with plans of future glory yet

unaccomplished; the poet expires in the midst of his song, and the magic of his muse lingers on his dying lips; the sculptor drops his chisel before he has taught the marble to breathe, and the painter his pencil, while the living figures on his canvas are yet unfinished; the sword slips from the hand of the warrior before the battle is won; and the orator is silenced while the words of wisdom are yet dropping in sweetest accents from his lips.

“‘I said, Ye are gods, and children of the Most High, but ye shall die like men.’

“No consideration can purchase a moment’s respite when the decree shall go forth, ‘This night thy soul shall be required of thee!’ whether it be uttered at the doors of the stately mansion, or at the cot of the lowly poor. And not to be wisely and well prepared to hear this summons, is destructive of the best interests of the soul. Happy they who have made a friend in God. Happy they who have done, and they who do, this in early life—the failing of which, in his case, our revered friend so often himself regretted—thrice happy they in whom greatness and goodness meet together. Imperishable joys shall be awarded to them. They shall shine as stars in the firmament forever and ever. In each successive generation their ‘memory shall be blessed,’ and their ‘name be had in everlasting remembrance;’ and, ‘their conflicts o’er, their labors done,’ the ransomed spirit shall escape from the prison that confines it to the earth, and the King of kings shall bind upon their victorious brow wreaths of unfading glory in that blessed place,

“‘Where pain, and weariness, and sorrow cease,
And cloudless sunshine fills the land of peace.’

“Our great friend and countryman is dead! He has no more connection with the living world, and we are about to bear his honored remains to the beautiful spot where our own dead lie, and around which our memories love to linger. What to him, I ask you, are now the policy or the politics of the country? What to him, now, are the nice points upon which turns the honor of the State? What to him, now, is the extension of empire? the rise or fall of nations? the dethronement or the establishment of kings? His work is done, and well done. As it is with him, so shall it shortly be with every one of us. Then,

“‘So live, that when thy summons comes to join
The innumerable caravan that moves
To the pale realm of shade, where each shall take
His chamber in the silent halls of death,
Thou go not, like the quarry-slave at night,
Scourged to his dungeon; but sustained and soothed
By an unfaltering trust, approach thy grave
Like one who wraps the drapery of his couch
About him, and lies down to pleasant dreams.’

“One word more. The distinguished subject of our present attention has fallen a martyr to his country. The cause of his sickness and his death originated in his last great efforts in securing the passage, through Congress, of certain measures, known as THE COMPROMISE. In more senses than one may he receive the heavenly welcome, ‘Well done, good and faithful servant.’ His love of country—his enthusiasm in any cause in which her interests were involved—his

great and singular powers — his wonderful and controlling influence over even great minds, marked him as *the* man of the age, and adapted him, in a peculiar manner, to act and lead in grave matters of Government.

“And if, in the future, any one section of this great Republic should be arrayed in hostility against another, and any cruel hand shall be uplifted to sever the bonds which unite us together as a common people — the Genius of Liberty shall come down in anguish and in tears, and throwing herself prostrate before his tomb, implore the Mighty Ruler of nations — for the preservation of our institutions, and the protection of our liberty and of our Union — to raise up from his ashes, another Clay.

“The marshals of the day then formed the long procession, which moved from Ashland, through Lexington, to the cemetery at the north of the city, where were deposited the remains of HENRY CLAY, TO REST UNTIL THE MORNING OF THE RESURRECTION.”

— The life and career of Henry Clay, when taken as a whole, notwithstanding his several defeats and disappointments, was a grand and magnificent success. He, more emphatically than any other man, was, and will continue to be, the great representative of American statesmen and orators. Inferior he may have been to Webster as a jurist, to Van Buren as a tactician, to Calhoun as a logician, to John Quincy Adams as a man of letters; but he was superior to them all when regarded as a single intellectual entity; the aggregate mass of his faculties was more varied and imposing, and the incidents of his public career were

more remarkable and striking, than those of any of his contemporaries. Let us, in conclusion, take a very brief survey of his whole personality, and glance at those qualities and characteristics which gave him so marvellous a hold upon the admiration of his countrymen.

In person, Mr. Clay was tall and well-proportioned; possessing all those physical advantages which are desirable for the orator, and which contribute to his supremacy and success. Among these peculiarities there was one in which he excelled all his rivals and associates, and which was one of the most effectual agents of his power. He possessed a voice of the most melodious tone, of the greatest flexibility, and of the widest compass; and so remarkable was his skill in using it, that by its witchery he often succeeded in gaining the co-operation of adverse Senators and lukewarm partisans, when the case seemed otherwise hopeless, and far beyond the reach of any ordinary influence. His natural talents were of the highest order, of the class to which they belonged. These were the peculiar faculties which rendered him a *natural* orator; but it must not be inferred, from this fact, that he had not cultivated these gifts with assiduous care. The contrary was the fact; and few actors on the scenic stage ever attained greater skill than he, in all the arts of declamation, and the graces of delivery. His eloquence was admirably adapted both to the popular assembly, to the halls of legislation, and to the bar. As a lawyer, his chief superiority consisted in the prodigious influence and power which he exercised over a jury. He could

touch all the springs of human feeling and emotion with masterly skill ; and cause them to flow forth, at his will, in an abundant and obedient torrent. His legal knowledge was sufficient for all the exigencies of his practice ; and his natural powers of comprehension and acquisition were so great, that even a little learning became much more available with him, than a much profounder and richer store, in the minds and mouths of other less gifted competitors ; while also, his superior mental grasp enabled him easily and quickly to master the law involved in all the particular cases which came within the range of his professional duties.

But the scene of Mr. Clay's greatest glory was the Senate chamber of the Federal Government, and that especially on great and perilous crises in his country's history. No man understood better than he how to lead on and to marshal, to the best advantage, the forces of his own party ; and how to assail, confound, and conquer the leaders of the adverse faction. Every species of oratory was at his command, and ready for use, as occasion might demand ; and argument, ridicule, illustration, narrative, wit, repartee, sarcasm, invective—all were within his reach, at a moment's warning. And when mere eloquence, when the art of the consummate rhetorician failed, in some moment of real peril to the interests and welfare of his country ; and when deeds and not words became the only essential and indispensable means of averting disaster, and perpetuating the liberties which were so inestimable—then Henry Clay ascended in the scale of intellectual power and grandeur, and expanded

from the simple orator to the sublime proportions of the statesman. It was he who, in such crises, was unrivalled in the fertility with which he devised, the promptitude with which he proposed, and the heroism with which he advocated, those resolute and honorable measures which were calculated to avert danger, to secure unity, and to perpetuate the prosperity and glory of the nation. In this high and noble function, this vast Confederacy, prolific as it has been, and is, in talented and capable men, has never yet produced the equal of Henry Clay; who seemed to have been adapted by every physical, mental, and social qualification which he possessed, to win and forever retain the first place among the statesmen and orators of the land of his birth. What Demosthenes was to Athens, what Cicero became to Rome, what William Pitt was to England, such was Henry Clay to the great Republic of the Western World; and as such, he will be enshrined in the memory and affections of the millions yet unborn, who shall successively rise and figure on this grand stage of action, till the latest period of recorded time.

Subsequent to the burial of Henry Clay, John J. Crittenden was requested by the citizens of Louisville, Kentucky, to pronounce a eulogy upon his life and character. He complied with the invitation; and on the 29th of September, 1852, delivered the following elaborate and masterly address to an immense assemblage in that city; which we here insert, as furnishing an appropriate conclusion of this record of Mr. Clay's memorable career:

“LADIES AND GENTLEMEN:—I am very sensible

of the difficulty and magnitude of the task which I have undertaken. I am to address you in commemoration of the public services of Henry Clay, and in celebration of his obsequies. His death filled his whole country with mourning; and the loss of no citizen, save the Father of his Country, has ever produced such manifestations of the grief and homage of the public heart. His history has indeed been read 'in a nation's eyes.' A nation's tears proclaim, with their silent eloquence, its sense of the national loss. Kentucky has more than a common share in this national bereavement. To her it is a domestic grief — to her belongs the sad privilege of being the chief mourner. He was her favorite son, her pride, and her glory. She mourns for him as a mother. But let her not mourn as those who have no hope of consolation. She can find the richest and the noblest solace in the memory of her son, and of his great and good actions; and his fame will come back, like a comforter from his grave, to wipe away her tears. Even while she weeps for him, her tears shall be mingled with the proud feelings of triumph which his name will inspire; and Old Kentucky, from the depths of her affectionate and heroic heart, shall exclaim, like the Duke of Ormond, when informed that his brave son had fallen in battle, 'I would not exchange my dead son for any living son in Christendom.'

"From these same abundant sources we may hope that the widowed partner of his life, who now sits in sadness at Ashland, will derive some pleasing consolation. I presume not to offer any words of comfort

of my own. Her grief is too sacred to permit me to use that privilege.

"You, sons and daughters of Kentucky, have assembled here to commemorate his life and death. How can I address you suitably on such a theme? I feel the oppressive consciousness that I cannot do it in terms adequate to the subject, or to your excited feelings. I am no orator, nor have I come here to attempt any idle or vainglorious display of words; I come as a plain Kentuckian, who, sympathizing in all your feelings, presents you with this address, as his poor offering, to be laid upon that altar which you are here erecting to the memory of Henry Clay. Let it not be judged according to its own value, but according to the spirit in which it is offered.

"It would be no difficult task to address you, on this occasion, in the extravagant and rhetorical language that is usual in funeral orations. But my subject deserves a different treatment. The monumental name of Henry Clay rises above all mere personal favor and flattery; it rejects them, and challenges the scrutiny and the judgment of the world. The noble use to which his name should be applied, is to teach his country, by his example, lessons of public virtue and political wisdom; to teach patriots and statesmen how to act, how to live, and how to die. I can but glance at a subject that spreads out in such bright and boundless expanse before me.

"Henry Clay lived in a most eventful period, and the history of his life for forty years has been literally that of his country. He was so identified with the Government for more than two-thirds of its exist-

ence, that during that time hardly any act, which has redounded to its honor, its prosperity, its present rank among the nations of the earth, can be spoken of without calling to mind, involuntarily, the lineaments of his noble person. It would be difficult to determine whether in peace or in war; in the field of legislation or of diplomacy; in the spring-tide of his life, or in its golden ebb, he won the highest honor. It can be no disparagement to any one of his contemporaries to say, that, in all the points of practical statesmanship, he encountered no superior in any of the employments which his constituents or his country conferred upon him.

“For the reason that he had been so much and so constantly in the public eye, an elaborate review of his life will not be expected of me. All that I shall attempt will be to sketch a few leading traits, which may serve to give those who have had fewer opportunities of observation than I had, something like a just idea of his public character and services. If, in doing this, I speak more at large of the earlier than of the later period of his life, it is because, in regard to the former, though of vast consequence, intervening years have thrown them somewhat in the background.

“Passing by, therefore, the prior service of Mr. Clay in the Senate for brief periods in 1806 and '10-'11, I come at once to his Speakership in the House of Representatives, and his consequent agency in the war of 1812.

“To that war our country is indebted for much of the security, freedom, prosperity, and reputation

which it now enjoys. It has been truly said by one of the living actors in that perilous era [Hon. Mr. Rush], *that the very act of going to war* was heroic. By the supremacy of the naval power of England, the fleets of all Europe had been swept from the seas; the banner of the United States alone floated in solitary fearlessness. England seemed to encircle the earth with her navies, and to be the undisputed mistress of the ocean. We went out upon the deep with a sling in our hands. When, in all time, were such fearful odds seen as we had against us?

“The events of the war with England, so memorable, and even wonderful, are too familiar to all to require any particular recital on that occasion. Of that war—of its causes and consequences—of its disasters, its bloody battles, and its glorious victories by land and sea, history and our own official records have given a faithful narrative. A just national pride has engraven that narrative upon our hearts. But even in the fiercest conflicts of that war, there was nothing more truly heroic than the declaration of it by Congress.

“Of that declaration — of the incidents, personal influences, and anxious deliberations which preceded and led to it—the history is not so well or generally known. The more it is known, the more it will appear how important was the part that Mr. Clay acted, and how much we are indebted to him for all the glorious and beneficial issues of the declaration of that war, which has not inappropriately been called the *Second War of Independence*.

“The public grounds of the war were the injustice,

injury, and insults inflicted on the United States by the Government of Great Britain, then engaged in a war of maritime edicts with France, of which the commerce of the United States was the victim; our merchant ships being captured by British cruisers on every sea, and confiscated by her courts, in utter contempt of the rights of this nation as an independent power. Added to this, and more offensive than even these outrages, was the arrogation by the same power of a right to search American vessels, for the purpose of impressing seamen from vessels sailing under the American flag. These aggressions upon our national rights constituted, undoubtedly, justifiable cause of war. With equal justice on our part, and on the same grounds (impressment of seamen excepted), we should have been warranted in declaring war against France also; but common sense (not to speak of policy) forbade our engaging with two nations at once, and dictated the selection, as an adversary, of the one that had power, which the other had not, to carry its arbitrary edicts into full effect. The war was really, on our part, a war for national existence.

“When Congress assembled in November, 1811, the crisis was upon us. But, as may be readily imagined, it could be no easy matter to nerve the heart of Congress, all unprepared for the dread encounter, to take the step, which there could be no retracing, of a declaration of war.

“Nor could that task, in all probability, ever have been accomplished, but for the concurrence, purely accidental, of two circumstances; the one, the presence of Henry Clay in the Chair of the popular

branch of the National Legislature, and the other, that of James Monroe, as Secretary of State, in the Executive Administration of the Government.

“Mr. Monroe had returned but a year or two before from a course of public service abroad, in which, as Minister Plenipotentiary, he had represented the United States at the several courts, in succession, of France, Spain, and Great Britain. From the last of these missions he had come home thoroughly disgusted with the contemptuous manner in which the rights of the United States were treated by the belligerent Powers, and especially by England. This treatment, which even extended to the personal intercourse between their Ministers and the Representatives of this country, he considered as indicative of a settled determination on their parts—presuming upon the supposed incapacity of this Government for war—to *reduce to system* a course of conduct calculated to debase and prostrate us in the eyes of the world. Reasoning thus, he had brought his mind to a serious and firm conviction, that the rights of the United States, as a nation, would never be respected by the Powers of the Old World, until this Government summoned up resolution to resist such usage, not by arguments and protests merely, but by an appeal to arms. Full of this sentiment, Mr. Monroe was called, upon a casual vacancy, when it was least expected by himself or the country, to the head of the Department of State. That sentiment, and the feelings which we have thus accounted for, Mr. Monroe soon communicated to his associates in the Cabinet, and, in some degree, it might well be supposed, to

the great statesman then at the head of the Government.

“The tone of President Madison’s first message to Congress (November 5, 1811), a few months only after Mr. Monroe’s accession to the Cabinet, can leave hardly a doubt in any mind of such having been the case. That message was throughout of the gravest cast, reciting the aggressions and aggravations of Great Britain, as demanding resistance, and urging upon Congress the duty of putting the country ‘into an armor and an attitude demanded by the crisis, and corresponding with the national spirit and expectations.’

“It was precisely at this point of time that Mr. Clay, having resigned his seat in the Senate, appeared on the floor of the House of Representatives, and was chosen, almost by acclamation, Speaker of that body. From that moment he exercised an influence in a great degree personal, which materially affected, if it did not control, the judgment of the House. Among the very first acts which devolved upon him, by virtue of his office, was the appointment of the committees raised upon the President’s message. Upon the Select Committee of nine members, to which was referred ‘so much of the message as relates to our foreign relations,’ he appointed a large proportion from among the fast friends of the Administration, nearly all of them being new members, and younger than himself, though he was not then more than thirty-five years of age. It is impossible, at this day, to call to mind the names of which this committee was composed (Porter, Calhoun, and

Grundy being the first named among them), without coming to the conclusion that the committee was constituted with a view to the event predetermined in the mind of the Speaker. There can be no question that when, quitting the Senate, Mr. Clay entered the Representative body, he had become satisfied that, by the continued encroachments of Great Britain on our national rights, the choice of the country was narrowed down to war or submission. Between these there could be no hesitation, in such a mind as that of Mr. Clay, which to choose. In this emergency he acted for his country, as he would, in a like case, have acted for himself. Desiring and cultivating the good will of all, he never shrank from any personal responsibility, nor cowered before any danger. More than a year before his accession to the House of Representatives he had, in a debate in the Senate, taken occasion to say, that 'he most sincerely desired peace and amity with England; that he even preferred an adjustment of all differences with her, to one with any other nation; but, if she persisted in a denial of justice to us, he trusted and hoped that all hearts would unite in a bold and vigorous vindication of our rights.' It was in this brave spirit, animated to increased fervency by intervening aggressions from the same quarter, that Mr. Clay entered into the House of Representatives.

"Early in the second month of the session, availing himself of the right then freely used by the Speaker to engage in discussions while the House was in Committee of the Whole, he dashed into the debates upon the measures of military and naval preparation

recommended by the President, and reported upon favorably by the committee. He avowed, without reserve, that the object of this preparation was *war*, and *war with Great Britain*.

In these debates he showed his familiarity with all the weapons of popular oratory. In a tempest of eloquence, in which he wielded alternately argument, persuasion, remonstrance, ridicule, and reproach, he swept before him all opposition to the high resolve to which he exhorted Congress. To the argument (for example) against preparing for a war with England, founded upon the idea of her being engaged, in her conflict with France, in fighting the battles of the world, he replied that such a purpose would be best achieved by a scrupulous observance of the rights of others, and by respecting that public law which she professed to vindicate. "*Then*," said he, "she would command the sympathies of the world. But what are *we* required to do, by those who would engage our feelings and wishes in her behalf? *To bear the actual cuffs of her arrogance*, that we may escape a chimerical French subjugation. We are called upon to submit to debasement, dishonor, and disgrace; to bow the neck to royal insolence, as a course of preparation for manly resistance to Gallic invasion! What nation, what individual, was ever taught *in the schools of ignominious submission* these patriotic lessons of freedom and independence!" And to the argument that this Government was unfit for any war but a war against invasion — so signally since disproved by actual events — he exclaimed, with characteristic vehemence, "What! is it not equivalent to invasion,

if the mouth of our harbors and outlets are blocked up, and we are denied egress from our own waters? Or, when the burglar is at our door, shall we bravely sally forth and repel his felonious entrance, or meanly skulk within the cells of the castle? What! shall it be said that our *amor patriæ* is located at these desks; that we *pusillanimously cling to our seats here*, rather than boldly vindicate the most inestimable rights of our country?"

While in debate upon other occasions, at nearly the same time, he showed how well he could *reason* upon a question which demanded argument rather than declamation. To his able support of the proposition of Mr. Cheves to add to our then small but gallant navy ten frigates, may be ascribed the success, though by a lean majority, of that proposition. Replying to the objection urged with zeal by certain members, that navies were dangerous to liberty, he argued that the source of this alarm was *in themselves*. "Gentlemen fear," said he, "that if we provide a marine, it will produce collision with foreign nations, plunge us into war, and ultimately overturn the Constitution of the country. Sir, if you wish to avoid foreign collision, you had better abandon the ocean, surrender all your commerce, give up all your prosperity. It is the thing protected, not the instrument of protection, that involves you in war. Commerce engenders collision, collision war, and war, the argument supposes, leads to despotism. Would the counsels of that statesman be deemed wise, who would recommend that the nation should be unarmed; that the art of war, the martial spirit and martial exercises,

should be prohibited; who should declare, in a word, that the great body of the people should be taught that national happiness was to be found in perpetual peace alone?"

While Mr. Clay, in the Capitol, was with his trumpet tongue rousing Congress to prepare for war, Mr. Monroe, the Secretary of State, gave his powerful co-operation, and lent the Nestor-like sanction of his age and experience to the bold measures of his young and more ardent compatriot. It was chiefly through their fearless influence that Congress was gradually warmed up to a war spirit, and to the adoption of some preparatory measures. But no actual declaration of war had yet been proposed. There was a strong opposition in Congress, and the President, Mr. Madison, hesitated to recommend it, only because he doubted whether Congress was yet sufficiently determined and resolved to maintain such a declaration, and to maintain it to all the extremities of war.

The influence and counsel of Mr. Clay again prevailed. He waited upon the President, at the head of a deputation of members of Congress, and assured him of the readiness of a majority of Congress to vote the war if recommended by him. Upon this the President immediately recommended it by his message to Congress of the first Monday of June, 1812. A bill declaring war with Great Britain soon followed in Congress, and, after a discussion in secret session for a few days, became a law. Then began the war.

When the doors of the House of Representatives were opened, the debates which had taken place in secret session were spoken of and repeated; and it

appeared, as must have been expected by all, that Mr. Clay had been the great defender and champion of the declaration of war.

Mr. Clay continued in the House of Representatives for some time after the commencement of the war, and having assisted in doing all that could be done for it in the way of legislation, was withdrawn from his position in Congress to share in the deliberations of the great conference of American and British Commissioners held at Ghent. His part in that convention was such as might have been expected from his course in Congress—high-toned and high-spirited, despairing of nothing.

I need not add, but for form, that acting in this spirit, Mr. Clay and his patriotic and able associates succeeded beyond all the hopes at that time entertained at home, in making a treaty which, in putting a stop to the war, if it did not accomplish everything contended for, saved and secured at all points the honor of the United States.

Thus began and ended the war of 1812. On our part it was just and necessary, and, in its results, eminently beneficial and honorable.

The benefits of it have extended to all the world; for in vindicating our own maritime rights, we established the freedom of the seas to all nations, and since then no one of them has arrogated or exercised any supremacy upon that ocean, given by the Almighty as the common and equal inheritance of all.

To Henry Clay, as its chief mover and author, belongs the statesman's portion of the glory of that war; and to the same Henry Clay, as one of the

makers and signers of the treaty by which it was terminated, belong the blessings of the peacemaker. His crown is made up of the jewels of peace and of war.

Prompt to take up arms to resent our wrongs and vindicate our national rights, the return of peace was yet gladly hailed by the whole country. And well it might be. Our military character, at the lowest point of degradation when we dared the fight, had been retrieved; the national honor, insulted at all the courts of Europe, had been redeemed; the freedom of the seas secured to our flag and all who sail under it; and, what was most influential in inspiring confidence at home and assuring respect abroad, was the demonstration, by the result of the late conflict, of the competency of this Government for effective war, as it had before proved itself for all the duties of a season of peace.

The Congress which succeeded the war, to a seat in which Mr. Clay was elected while yet abroad, exhibited the features of a national jubilee, in place of the gravity and almost gloom which had settled on the countenance of the same body during the latter part of the war and of the conferences of Ghent. Joy shone on every face. Justly has that period been termed "the era of good feeling." Again placed in the chair of the House of Representatives, and all-important questions being then considered as in Committee of the Whole, in which the Speaker descends to the floor of the House, Mr. Clay distinguished himself in the debates upon every question of interest that came up, and was the author, during that and

following Congresses, of more important measures than it has been the fortune of any other member, either then or since, to have his name identified with.

It would exceed the proper limits of this discourse to particularize all those measures. I can do no more than refer to a very few of them which have become landmarks in the history of our country.

First in order of these was his origination of the first proposition for a recognition of the independence of the States of South America, then struggling for liberty. This was on the 24th of March, 1818. It was on that day that he first formally presented the proposition to the House of Representatives. But neither the President nor Congress was then prepared for a measure so bold and decisive; and it was rejected by a large majority of the House, though advocated and urged by him with all the vehemence and power of his unsurpassed ability and eloquence. Undaunted by this defeat, he continued to pursue the subject with all the inflexible energy of his character. On the 3d of April, 1820, he renewed his proposition for the recognition of South American independence, and finally succeeded, against strong opposition, not only in passing it through the House of Representatives, but in inducing that body to adopt the emphatic and extraordinary course of sending it to the President by a committee, specially appointed for the purpose. Of that committee Mr. Clay was the chairman, and, at its head, performed the duty assigned them. In the year 1822 Mr. Clay's noble exertions on this great subject were crowned with complete success, by the President's formal recognition of

South American independence, with the sanction of Congress.

It requires some little exertion, at this day, to turn our minds back, and contemplate the vast importance of the revolutions then in progress in South America, as the subject was then presented, with all the uncertainties and perils that surrounded it. Those revolutions constituted a great movement in the moral and political world. By their results great interests and great principles throughout the civilized world, and especially in our own country, might and probably would be materially affected.

Mr. Clay comprehended the crisis. Its magnitude and its character were suited to his temper, and to his great intellect. He saw before him, throughout the vast continent of South America, the people of its various States, or provinces, struggling to cast off that Spanish oppression and tyranny which for three hundred years had weighed them down, and seeking to reclaim and re-establish their long-lost liberty and independence. He saw them not only struggling, but succeeding; and with their naked hands breaking their chains, and driving their oppressors before them. But the conflict was not yet over; Spain still continued to wage formidable and desperate hostilities against her colonies, to reduce them to submission. They were still struggling and bleeding, and the result yet depended on the uncertain issue of war.

What a spectacle was there presented to the contemplation of the world! The prime object of attention and interest there to be seen was *man bravely struggling for liberty*. That was enough for Henry

Clay. His generous soul overflowed with sympathy. But this was not all; there were graver and higher considerations that belonged to the subject, and these were all felt and appreciated by Mr. Clay.

If South America was resubjugated by Spain, she would, in effect, become European, and relapse into the system of European policy—the system of legitimacy, monarchy, and absolutism; on the other hand, if she succeeded in establishing her independence, the *principle* of free institutions would be established with it, and republics kindred to our own would rise up to protect, extend, and defend the rights and liberties of mankind.

It was not, then, a mere struggle between Spain and her colonies. In its consequences, at least, it went much further, and, in effect, was a contest between the great antagonist *principles* and *systems* of arbitrary European governments and of free American governments. Whether the millions of people who inhabited or were to inhabit, South America, were to become the victims and the instruments of the arbitrary *principle*, or the supporters of the *free principle*, was a question of momentous consequence now and in all time to come.

With these views Mr. Clay, from sympathy and policy, embraced the cause of South American independence. He proposed no actual intervention in her behalf, but he wished to aid her with all the moral power and encouragement that could be given by a welcome recognition of her by the Government of the United States.

To him belongs the distinguished honor of being

first among the statesmen of the world to espouse and plead the cause of South America, and to propose and urge the recognition of her independence. And his own country is indebted to him for the honor of being the first nation to offer that recognition.

When the magnitude of the subject, and the weighty interest and consequences attached to it, are considered, it seems to me that there is no more palmy day in the life of Mr. Clay than that in which, at the head of his committee, he presented to the President the resolution of the House of Representatives in favor of the recognition of South American independence. On that occasion he appears in all the sublimity of his nature; and the statesman, invested with all the sympathies and feelings of humanity, is enlarged and elevated into the character of the friend and guardian of universal liberty.

How far South America may have been aided or influenced in her struggles by the recognition of our Government, or by the noble appeals which Mr. Clay had previously addressed, in her behalf, to Congress and to the world, I cannot say; but it is known that those speeches were read at the head of her armies, and that grateful thanks were returned. It is not too much to suppose that he exercised great influence in her affairs and destinies.

Years after the first of Mr. Clay's noble exertions in the cause of South America, and some time after those exertions had led the Government of the United States to recognize the new States of South America, they were also recognized by the Government of Great Britain; and Mr. Canning, her minister, there-

upon took occasion to say, in the House of Commons, "there (alluding to South America), I have called a new world into existence!" That was a vain boast. If it can be said of any man, it must be said of Henry Clay that *he* called that "new world into existence!"*

Mr. Clay was the Father of the policy of internal improvement by the General Government. The expediency of such legislation had indeed been suggested, in one of his later annual messages to Congress, by President Jefferson, and that suggestion was revived by President Madison in the last of *his* annual messages. The late Bank of the United States having been then just established, a bill passed in supposed conformity to Mr. Madison's recommendation, for setting aside the annual bonus to be paid by the Bank, as a fund for the purposes of internal improvement. This bill Mr. Madison very unexpectedly, on the last day of the term of his office, returned to the House of Representatives without his signature, assigning the reasons for his withholding it—reasons which related rather to the form than the substance—and recommending an amendment to the Constitution to confer upon Congress the necessary power to carry out that policy. This bill, of course, fell through for that session. While this bill was on its passage, Mr. Clay had spoken in favor of it, declaring his own decided opinion in favor of the constitutionality and expediency of the measure. Mr.

* See Mr. Rush's letter to Mr. Clay, 1st vol. Colton's *Life of Henry Clay*.

Monroe, immediately succeeding Mr. Madison in the Presidency, introduced into his first annual message a declaration, in advance of any proposition on the subject, of a settled conviction on his mind that Congress *did not* possess the right to enter upon a system of internal improvement. But for this declaration, it may be doubted that the subject would have been again agitated so soon after Mr. Madison's veto. The threat of a recurrence to that resort by the new President, roused up a spirit of defiance in the popular branch of Congress, and especially in the lion heart of Mr. Clay; and, by his advice and counsel, a resolution was introduced, declaring that Congress *has power*, under the Constitution, to make appropriations for the construction of military roads, post roads, and canals. Upon this proposition, in committee of the whole House, Mr. Clay attacked, with all his powers of argument, wit, and raillery, the interdiction in the message. He considered that the question was now one between the Executive, on the one hand, and the Representatives of the people on the other, and that it was so understood by the country; that if, by the communication of his opinion to Congress, the President intended to prevent discussion, he had "most wofully failed;" that in having (Mr. Clay had no doubt with the best motives) *volunteered* his opinions upon the subject, he had "inverted the order of legislation, by beginning where it should end;" and, after an able and unanswerable argument on the question of the power, concluded by saying: "*If we do nothing this session but pass an abstract resolution on the subject, I shall, under all circumstances,*

consider it a triumph for the best interests of the country, of which posterity will, if we do not, reap the benefit." And the abstract resolution *did* pass, by a vote of ninety to seventy-five; and *a triumph* it was which Mr. Clay had every right to consider as his own, and all the more grateful to his feelings, because he had hardly hoped for it.

Referring to the final success, at a distance of thirty-five years, of the *principle* thus established, in the recent passage by Congress of the act for the improvement of certain of the ports and harbors and navigable rivers of the country, let "Posterity" not forget, on this occasion, to what honored name is undoubtedly due the credit of the first legislative assertion of the power.

Mr. Clay was, perhaps, the only man since Washington who could have said, with entire truth, as he did, "*I had rather be right than be President.*" Honor and patriotism were his great and distinguishing traits. The first had its spring and support in his fearless spirit; the second, in his peculiar Americanism of sentiment. It was those two principles which ever threw his whole soul into every contest where the public interest was deeply involved, and, above all, into every question which in the least menaced the integrity of the Union. This last was, with him, *the ark of the covenant*; and he was ever as ready to peril his own life in its defence, as he was to pronounce the doom of a traitor on any one who would dare to touch it with hostile hands. It was the ardor of this devotion to his country, and to the sheet-anchor of its liberty and safety, the Union of the

States, that rendered him so conspicuous in every conflict that threatened either the one or the other with harm. All are familiar with his more recent, indeed his last great struggle for his country, when the foundation of the Union trembled under the fierce sectional agitation, so happily adjusted and pacified by the wise measures of compromise which he proposed in the Senate, and which were, in the end, in substance adopted. That brilliant epoch in his history is fresh in the memory of all who hear me, and will never be forgotten by them. An equally glorious success achieved by his patriotism, his resoluteness, and the great power of his oratory, was one which few of this assembly are old enough vividly to remember, but which, in the memory of those who witnessed the effort, and the success of that greatest triumph of his master-spirit, will ever live the most interesting in the life of the great statesmen. I mean the Missouri controversy. Then, indeed, did common courage quail, and hope seem to shrink before the storm that burst upon and threatened to overwhelm the Union.

Into the history of what is still familiarly known as the "Missouri question," it is not necessary, if time would allow, that I should enter at any length. The subject of the controversy, as all my hearers know, was the disposition of the House of Representatives, manifested on more than one occasion, and by repeated votes, to require, as a condition of the admission of the Territory of Missouri into the Union as a State, the perpetual prohibition of the introduction of slavery into the Territories of the United States

west of the Mississippi. During the conflict to which this proposition gave rise in 1820, the debates were from the beginning earnest, prolonged, and excited. In the earlier stages of them Mr. Clay exerted, to the utmost, his powers of argument, conciliation, and persuasion, speaking, on one occasion, it is stated, for four and a half hours without intermission. A bill finally passed both Houses, authorizing the people of the Territory of Missouri to form a Constitution of State Government, with the prohibition of slavery *restricted* to the territory lying north of thirty-six degrees thirty minutes of north latitude.

This was in the first session of the Sixteenth Congress, Mr. Clay still being Speaker of the House. On the approach of the second session of this Congress, Mr. Clay being compelled by his private affairs to remain at home, forwarded his resignation as Speaker, but retained his seat as a member, in view of the pendency of this question. Mr. Taylor of New York, the zealous advocate of the prohibition of slavery in Missouri and elsewhere in the West, was chosen *Speaker* to succeed Mr. Clay. This fact, of itself, under all the circumstances, was ominous of what was to follow. Alarmed, apparently, at this aspect of things, Mr. Clay resumed his seat in the House on the 16th of January, 1821. The Constitution formed by Missouri and transmitted to Congress, under the authority of the act passed in the preceding session, contained a provision (superfluous even for its own object) making it the duty of the General Assembly, as soon as might be, to pass an act to prevent free negroes and mulattoes from coming to, or settling in, the

State of Missouri, 'upon any pretext whatever.' The reception of the Constitution, with this offensive provision in it, was the signal of discord, apparently irreconcilable; when, just as it had risen to its height, Mr. Clay, on the 16th of January, 1821, resumed his seat in the House of Representatives. Less than six weeks of the term of Congress then remained. The great hold which he had upon the affections, as well as the respect, of all parties, induced upon his arrival a momentary lull in the tempest. He at once engaged earnestly and solicitously in counsel with all parties in this alarming controversy, and, on the second of February, moved the appointment of a committee of thirteen members to consider the subject. The report of that committee, after four days of conference, in which the feelings of all parties had clearly been consulted, notwithstanding it was most earnestly supported by Mr. Clay in a speech of such power and pathos as to draw tears from many hearers, was rejected by a vote of eighty-three nays to eighty yeas. No one, not a witness, can conceive the intense excitement which existed at this moment within and without the walls of Congress, aggravated as it was by the arrival of the day for counting the electoral votes for President and Vice-President, among which was tendered the vote of Missouri as a State, though not yet admitted as such. Her vote was disposed of by being counted hypothetically — that is to say, that *with* the vote of Missouri, the then state of the general vote would be so and so; *without* it, so and so. If her vote, admitted, would have *changed the result*,

no one can pretend to say how disastrous the consequences might not have been.

On Mr. Clay alone now rested the hopes of all rational and dispassionate men for a final adjustment of this question; and one week only, with three days of grace, remained of the existence of that Congress. On the twenty-second of the month, Mr. Clay made a last effort, by moving the appointment of a joint committee of the two Houses, to consider and report whether it was expedient or not to make provision for the admission of Missouri into the Union, on the same footing with the original States; and if not, whether any other provision, adapted to her actual condition, ought to be made by law. The motion was agreed to, and a committee of twenty-three members appointed by ballot under it. The report by that committee (a modification of the previously *rejected* report) was ratified by the House, but by the close vote, eighty-seven to eighty-one. The Senate concurred, and so this distracting question was at last settled, with an acquiescence in it by all parties, which has never been since disturbed.

I have already spoken of this as the great triumph of Mr. Clay; I might have said, the greatest civil triumph ever achieved by mortal man. It was one toward which the combination of the highest ability, and the most commanding eloquence, would have labored in vain. There would still have been wanting the ardor, the vehemence, the impetuosity of character of Henry Clay, under the influence of which he sometimes overleaped all barriers, and carried his point literally by storm. One incident of this kind

is well remembered in connection with the Missouri question. It was in an evening sitting, while this question was yet in suspense, Mr. Clay had made a motion to allow one or two members to vote who had been absent when their names were called. The Speaker (Mr. Taylor), who, to a naturally equable temperament, added a most provoking calmness of manner when all around him was excitement, blandly stated, for the information of the gentleman, that the motion "was not in order." Mr. Clay then moved to suspend the rule forbidding it, so as to allow him to make the motion; but the Speaker, with imperturbable serenity, informed him that, according to the Rules and Orders, such a motion could not be received without the unanimous consent of the House. "*Then,*" said Mr. Clay, exerting his voice even beyond its highest wont, "*I move to suspend ALL the rules of the House. Away with them!* Is it to be endured that we shall be trammelled in our action by mere forms and technicalities in a moment like this, when the peace, and perhaps the existence, of this UNION is at stake?"

Besides those to which I have alluded, Mr. Clay performed many other signal public services, any one of which would have illustrated the character of any other American statesman. Among these we cannot refrain from mentioning his measures for the protection of American industry, and his Compromise Measures of 1833, by which the country was relieved from the dangers and agitations produced by the doctrine and spirit of 'nullification.' Indeed, his name

is identified with all the great measures of Government during the long period of his public life.

But the occasion does not permit me to proceed further with the review of his public services. History will record them to his honor.

Henry Clay was indebted to no adventitious circumstances for the success and glory of his life. Sprung from an humble stock, he "was fashioned to much honor from his cradle:" and he achieved it by the noble use of the means which God and nature had given him. He was no scholar, and had none of the advantages of collegiate education. But there was a "divinity that stirred within him." He was a man of genius mighty enough to supply all the defects of education. By its keen, penetrating observation, its quick apprehension, its comprehensive and clear conception, he gathered knowledge without the study of books; he could draw it from the fountain-head, pure and undefiled. It was unborrowed — the acquisition of his own observation, reflection, and experience, and all his own. It entered into the composition of the man, forming part of his mind, and strengthening and preparing him for all those great scenes of intellectual exertion or controversy in which his life was spent. His armor was always on, and he was ever ready for the battle.

This mighty genius was accompanied, in him, by all the qualities necessary to sustain its action, and to make it irresistible. His person was tall, and commanding, and his demeanor

"Lofty and sour to them that loved him not;

But to those men that sought him, sweet as summer."

He was direct and honest, ardent and fearless, prompt to form his opinions, always bold in their avowal, and sometimes impetuous, or even rash, in their vindication. In the performance of his duties he feared no responsibility. He scorned all evasion or untruth. No pale thoughts ever troubled his decisive mind. "Be just and fear not," was the sentiment of his heart and the principle of his action. It regulated his conduct in private and public life; all the ends he aimed at were his country's, his God's, and truth's.

Such was Henry Clay, and such were his talents, qualities, and objects. Nothing but success and honor could attend such a character. I have adverted briefly to some portions of his public life. For nearly half a century he was an informing spirit, a brilliant and heroic figure in our political sphere, marshalling our country in the way she ought to go. The "bright track of his fiery car" may be traced through the whole space over which, in his day, his country and its Government have passed in the way to greatness and renown. It will still point the way to further greatness and renown.

The great objects of his public life were to preserve and strengthen the Union; to maintain the Constitution and laws of the United States; to cherish industry; to protect labor; and facilitate, by all proper national improvements, the communication between all parts of our widely-extended country. This was his American system of policy. With inflexible patriotism he pursued and advocated it to his end. He was every inch an American. His

heart, and all that there was of him, were devoted to his country, to its liberty, and its free institutions. He inherited the spirit of the Revolution, in the midst of which he was born; and the love of liberty, and the pride of freedom, were in him principles of action.

A remarkable trait in his character was his inflexibility in defending the public interest against all schemes for its detriment. His exertions were, indeed, so steadily employed and so often successful in protecting the public against the injurious designs of visionary politicians or party demagogues, that he may be almost said to have been, during forty years, the guardian angel of the country. He never would compromise the public interest for any body, or for any personal advantage to himself.

He was the advocate of liberty throughout the world, and his voice of cheering was raised in behalf of every people who struggled for freedom. Greece, awakened from a long sleep of servitude, heard his voice, and was reminded of her own Demosthenes. South America, too, in her struggle for independence, heard his brave words of encouragement, and her fainting heart was animated, and her arm made strong.

Henry Clay was the fair representative of the age in which he lived; an age which forms the great and brightest era in the history of man; an age teeming with new discoveries and developments, extending in all directions the limits of human knowledge, exploring the agencies and elements of the physical world, and turning and subjugating them to the use

of man; unfolding and establishing practically the great principles of *popular rights* and free governments, and which, nothing doubting, nothing fearing, still advances in majesty, aspiring to and demanding further improvement and further amelioration of the condition of mankind.

With the chivalrous and benignant spirit of this great era Henry Clay was thoroughly imbued. He was, indeed, moulded by it, and made in its own image. That spirit, be it remembered, was not one of licentiousness, or turbulence, or blind innovation. It was a wise spirit, good and honest as it was resolute and brave; and truth and justice were its companions and guides.

These noble qualities of truth and justice were conspicuous in the whole public life of Mr. Clay. On that solid foundation he stood, erect and fearless; and when the storms of State beat around and threatened to overwhelm him, his exclamation was still heard, "truth is mighty, and public justice certain." What a magnificent and heroic figure does Henry Clay here present to the world! We can but stand before and look upon it in silent reverence. His appeal was not in vain; the passion of party subsided; truth and justice resumed their sway, and his generous countrymen repaid him, for all the wrong they had done, with gratitude, affection, and admiration in his life, and with tears for his death.

It has been objected to Henry Clay that he was ambitious. So he was. But in him ambition was a virtue. It sought only the proper, fair objects of honorable ambition, and it sought these by honorable

means only — by so serving the country as to deserve its favors and its honors. If he sought office, it was for the purpose of enabling him, by the power it would give, to serve his country more effectually and pre-eminently; and, if he expected and desired thereby to advance his own fame, who will say that was a fault? Who will say that it was a fault to seek and to desire office for any of the personal gratifications it may afford, so long as those gratifications are made subordinate to the public good?

That Henry Clay's object in desiring office was to serve his country, and that he would have made all other considerations subservient, I have no doubt. I knew him well; I had full opportunity of observing him in his most unguarded moments and conversations, and I can say that I have never known a more unselfish, a more faithful or intrepid representative of the *people*, of the people's rights, and the people's interests, than Henry Clay. It was most fortunate for Kentucky to have such a representative, and most fortunate for him to have such a constituent as Kentucky—fortunate for him to have been thrown, in the early and susceptible period of his life, into the primitive society of her bold and free people. As one of her children, I am pleased to think that from that source he derived some of the magnanimity and energy which his after-life so signally displayed. I am pleased to think that, mingling with all his great qualities, there was a sort of *Kentuckyism* (I shall not undertake to define it), which, though it may not have polished or refined, gave to them additional point and power, and a freer scope of action.

Mr. Clay was a man of profound judgment and strong will. He never doubted or faltered; all his qualities were positive and peremptory; and to his convictions of public duty he sacrificed every personal consideration.

With but little knowledge of the rules of logic or of rhetoric, he was a great debater and orator. There was no art in his eloquence; no studied contrivances of language. It was the natural outpouring of a great and ardent intellect. In his speeches there were none of the trifles of mere fancy and imagination; all was to the subject in hand, and to the purpose; and they may be regarded as great actions of the mind rather than fine displays of words. I doubt whether the eloquence of Demosthenes or Cicero ever exercised a greater influence over the minds and passions of the people of Athens and of Rome, than did Mr. Clay's over the minds and passions of the people of the United States.

You all knew Mr. Clay; your knowledge and recollection of him will present him more vividly to your minds than any picture I can draw of him. This I will add: he was, in the highest, truest sense of the term, a great man, and we ne'er shall look upon his like again. He has gone to join the mighty dead in another and better world. How little is there of such a man that can die! His fame, the memory of his benefactions, the lessons of his wisdom, all remain with us; over these death has no power.

How few of the great of this world have been so fortunate as he! How few of them have lived to see their labors so rewarded! He lived to see the country

that he loved and served advanced to great prosperity and renown, and still advancing. He lived till every prejudice which, at any period of his life, had existed against him, was removed; and until he had become the object of the reverence, gratitude, and love of his whole country. His work seemed then to be completed, and fate could not have selected a happier moment to remove him from the troubles and vicissitudes of his life.

Glorious as his life was, there was nothing that became him like the leaving of it. I saw him frequently during the slow and lingering disease which terminated his life. He was conscious of his approaching end, and prepared to meet it with all the resignation and fortitude of a Christian hero. He was all patience, meekness, and gentleness; these shone around him like a mild, celestial light, breaking upon him from another world.

“And, to add greater honors to his age
Than man could give, he died fearing God.”

APPENDIX.

SELECT SPEECHES OF HENRY CLAY.

I.

ON THE GREEK REVOLUTION.

Delivered in the House of Representatives, Jan. 20, 1824.

IN rising, let me state distinctly the substance of the original proposition of the gentleman from Massachusetts (Mr. Webster), with that of the amendment of the gentleman from South Carolina (Mr. Poinsett). The resolution proposes a provision of the means to defray the expense of deputing a commissioner or agent to Greece, whenever the President, who knows, or ought to know, the disposition of all the European powers, Turkish or Christian, shall deem it proper. The amendment goes to withhold any appropriation to that object, but to make a public declaration of our sympathy with the Greeks, and of our good wishes for the success of their cause. And how has this simple, unpretending, unambitious, this harmless proposition, been treated in debate? It has been argued as if it offered aid to the Greeks; as if it proposed the recognition of the independence of

their government; as a measure of unjustifiable interference in the internal affairs of a foreign State, and finally, as war. And they who thus argue the question, while they absolutely surrender themselves to the illusions of their own fervid imaginations, and depict, in glowing terms, the monstrous and alarming consequences which are to spring out of a proposition so simple, impute to us, who are its humblest advocates, Quixotism! Quixotism! While they are taking the most extravagant and boundless range, and arguing anything and everything but the question before the Committee, they accuse us of enthusiasm, of giving the reins to excited feeling, of being transported by our imaginations. No, sir, the resolution is no proposition for aid, nor for recognition, nor for interference, nor for war.

I know that there are some who object to the resolution on account of the source from which it has sprung — who except to its mover, as if its value or importance were to be estimated by personal considerations. I have long had the pleasure of knowing the honorable gentleman from Massachusetts, and sometimes that of acting with him; and I have much satisfaction in expressing my high admiration of his great talents. But I would appeal to my republican friends, those faithful sentinels of civil liberty with whom I have ever acted, shall we reject a proposition, consonant to our principles, favoring the good and great cause, on account of the political character of its mover? Shall we not rather look to the intrinsic merits of the measure, and seek every fit occasion to strengthen and perpetuate liberal principles and noble

sentiments? If it were possible for republicans to cease to be the champions of human freedom, and if federalists became its only supporters, I would cease to be a republican; I would become a federalist. The preservation of the public confidence can only be secured, or merited, by a faithful adherence to the principles by which it has been acquired.

Mr. Chairman, is it not extraordinary that for these two successive years the President of the United States should have been freely indulged, not only without censure, but with universal applause, to express the feelings which both the resolution and the amendment proclaim, and yet, if this House venture to unite with him, the most awful consequences are to ensue? From Maine to Georgia, from the Atlantic Ocean to the Gulf of Mexico, the sentiment of approbation has blazed with the rapidity of electricity. Everywhere the interest in the Greek cause is felt with the deepest intensity, expressed in every form, and increases with every new day and passing hour. And are the representatives of the people alone to be insulated from the common moral atmosphere of the whole land? Shall we shut ourselves up in apathy, and separate ourselves from our country, from our constituents, from our chief magistrate, from our principles?

This measure has been most unreasonably magnified. Gentlemen speak of the watchful jealousy of the Turk, and seem to think the slightest movement of this body will be matter of serious speculation at Constantinople. I believe that neither the Sublime Porte, nor the European allies, attach any such ex-

aggerated importance to the acts and deliberations of this body. The Turk will, in all probability, never hear the names of the gentlemen who either espouse or oppose the resolution. It certainly is not without a value ; but that value is altogether moral ; it throws our little tribute into the vast stream of public opinion, which, sooner or later, must regulate physical action upon the great interests of the civilized world. But, rely upon it, the Ottoman is not about to declare war against us because this unoffending proposition has been offered by my honorable friend from Massachusetts, whose name, however distinguished and eminent he may be in our own country, has probably never reached the ears of the Sublime Porte. The allied powers are not going to be thrown into a state of consternation, because we appropriate some two or three thousand dollars to send an agent to Greece.

The question has been argued as if the Greeks would be exposed to still more shocking enormities by its passage ; as if the Turkish cimeter would be rendered still keener, and dyed deeper and yet deeper in Christian blood. Sir, if such is to be the effect of the declaration of our sympathy, the evil has been already produced. That declaration has been already publicly and solemnly made by the Chief Magistrate of the United States, in two distinct messages. It is this document which commands at home and abroad the most fixed and universal attention ; which is translated into all the foreign journals ; read by sovereigns and their ministers ; and, possibly, in the divan itself. But our resolutions are domestic, for home consumption, and rarely, if ever, meet imperial or

royal eyes. The President, in his messages, after a most touching representation of the feelings excited by the Greek insurrection, tells you that the dominion of the Turk is gone forever; and that the most sanguine hope is entertained that Greece will achieve her independence. Well, sir, if this be the fact, if the Allied Powers themselves may, possibly, before we again assemble in this hall, acknowledge that independence, is it not fit and becoming in this House to make provision that our President shall be among the foremost, or at least not among the last, in that acknowledgment? So far from this resolution being likely to whet the vengeance of the Turk against his Grecian victims, I believe its tendency will be directly the reverse. Sir, with all his unlimited power, and in all the elevation of his despotic throne, he is at last but man, made as we are, of flesh, of muscle, of bone and sinew. He is susceptible of pain, and can feel, and has felt, the uncalculating valor of American freemen in some of his dominions. And when he is made to understand that the Executive of this Government is sustained by the representatives of the people; that our entire political fabric, base, column, and entablature, rulers and people, with heart, soul, mind, and strength, are all on the side of the gallant people whom he would crush, he will be more likely to restrain than to increase his atrocities upon suffering, bleeding Greece.

The gentleman from New Hampshire (Mr. Bartlett) has made, on this occasion, a very ingenious, sensible, and ironical speech—an admirable *début* for a new member, and such as I hope we shall often have re-

peated on this floor. But, permit me to advise my young friend to remember the maxim that "sufficient unto the day is the evil thereof;" and when the resolution * on another subject, which I had the honor to submit, shall come up to be discussed, I hope he will not content himself with saying, as he has now done, that it is a very extraordinary one; but that he will then favor the House with an argumentative speech, proving that it is our duty quietly to see laid prostrate every fortress of human hope, and to behold with indifference the last outwork of liberty taken and destroyed.

It has been said that the proposed measure will be a departure from our uniform policy with respect to foreign nations; that it will provoke the wrath of the Holy Alliance; and that it will, in effect, be a repetition of their own offence, by an unjustifiable interposition in the domestic concerns of other powers. No, sir, not even if it authorized, which it does not, an immediate recognition of Grecian independence. What has been the settled and steady policy and practice of this Government, from the days of Washington to the present moment? In the case of France, the Father of his country and his successors received Genet, Fouchet, and all the French ministers who followed them, whether sent from king, convention, anarchy, emperor, or king again. The rule we have ever followed has been this: to look at the state of the fact, and to recognize that government, be it what

* The resolution, offered by Mr. Clay, declaring that the United States would not see with indifference any interference of the Holy Alliance in behalf of Spain against the new American republics.

it might, which was in actual possession of sovereign power. When one government is overthrown, and another is established on its ruins, without embarrassing ourselves with any of the principles involved in the contest, we have ever acknowledged the new and actual government as soon as it had undisputed existence. Our simple inquiry has been, "Is there a government *de facto*?" We have had a recent and memorable example. When the allied ministers retired from Madrid, and refused to accompany Ferdinand to Cadiz, ours remained, and we sent out a new minister who sought at that port to present himself to the constitutional king. Why? Because it was the government of Spain in fact. Did the Allies declare war against us for the exercise of this incontestable attribute of sovereignty? Did they even transmit any diplomatic note, complaining of our conduct? The line of our European policy has been so plainly described, that it is impossible to mistake it. We are to abstain from all interference in their disputes, to take no part in their contests, to make no entangling alliances with any of them; but to assert and exercise our indisputable right of opening and maintaining diplomatic intercourse with any actual sovereignty.

Surely, sir, we need no long or learned lectures about the nature of government, and the influence of property or ranks on society. We may content ourselves with studying the true character of our own people, and with knowing that the interests are confided to us of a nation capable of doing and suffering all things for its liberty. Such a nation, if its rulers be faithful, must be invincible. I well remember an

observation made to me by the most illustrious female* of the age, if not of her sex. All history showed, she said, that a nation was never conquered. No, sir, no united nation, that resolves to be free, can be conquered. And has it come to this? Are we so humbled, so low, so debased, that we dare not express our sympathy for suffering Greece, that we dare not articulate our detestation of the brutal excesses of which she has been the bleeding victim, lest we might offend some one or more of their imperial and royal majesties? If gentlemen are afraid to act rashly on such a subject, suppose, Mr. Chairman, that we unite in an humble petition, addressed to their majesties, beseeching them that, of their gracious condescension, they would allow us to express our feelings and our sympathies? How shall it run? "We, the representatives of the *free* people of the United States of America, humbly approach the thrones of your imperial and royal majesties, and supplicate that, of your imperial and royal clemency" — I cannot go through the disgusting recital — my lips have not yet learned to pronounce the sycophantic language of a degraded slave! Are we so mean, so base, so despicable, that we may not attempt to express our horror, utter our indignation, at the most brutal and atrocious war that ever stained earth or shocked high Heaven; at the ferocious deeds of a savage and infuriated soldiery, stimulated and urged on by the clergy of a fanatical and inimical religion, and rioting in all the excesses of blood and butchery,

* Madame de Staël.

at the mere details of which the heart sickens and recoils.

If the great body of Christendom can look on calmly and coolly, while all this is perpetrated on a Christian people, in its own immediate vicinity, in its very presence, let us at least evince that one of its remote extremities is susceptible of sensibility to Christian wrongs, and capable of sympathy for Christian sufferings; that in this remote quarter of the world there are hearts not yet closed against compassion for human woes, that can pour out their indignant feelings at the oppression of a people endeared to us by every ancient recollection and every modern tie. Sir, the committee has been attempted to be alarmed by the dangers to our commerce in the Mediterranean; and a wretched invoice of figs and opium has been spread before us to repress our sensibilities, and to eradicate our humanity. Ah, sir, "What shall it profit a man if he gain the whole world, and lose his own soul?" or what shall it avail a nation to save the whole of a miserable trade, and lose its liberties?

On the subject of the other independent American States, hitherto it has not been necessary to depart from the rule of our foreign relations observed in regard to Europe. Whether it will become us to do so or not, will be considered when we take up another resolution, lying on the table. But we may not only adopt this measure, we may go further: we may recognize the government in the Morea, if actually independent, and it will be neither war nor cause of war, nor any violation of our neutrality

Besides, sir, what is Greece to the Allies? a part of the dominions of any of them? By no means. Suppose the people in one of the Philippine Isles, or any other spot still more insulated and remote, in Asia or Africa, were to resist their former rulers, and set up and establish a new government, are we not to recognize them in dread of the Holy Allies? If they are going to interfere, from the danger of the contagion of the example, here is the spot, our own favored land, where they must strike. *This* Government — you, Mr. Chairman, and the body over which you preside, are the living and cutting reproach to allied despotism. If we are to offend them, it is not by passing this resolution. We are daily and hourly giving them cause of war. It is *here*, and in our free institutions, that they will assail us. They will attack us because you sit beneath that canopy, and we are freely debating and deliberating upon the great interests of freemen, and dispensing the blessings of free government. They will strike because we pass one of those bills on your table. The passage of the least of them, by our free authority, is more galling to despotic powers than would be the adoption of this so-much dreaded resolution. Pass it, and what do you do? You exercise an indisputable attribute of sovereignty, for which you are responsible to none of them. You do the same when you perform any other legislative function; no less. If the Allies object to this measure, let them forbid us to take a vote in this House; let them strip us of every attribute of independent government; let them disperse us.

Will gentlemen attempt to maintain that, on the principles of the law of nations, those Allies would have *cause* of war? If there be any principle which has been settled for ages, any which is founded in the very nature of things, it is that every independent State has the clear right to judge of the *fact* of the existence of other sovereign powers. I admit there may be a state of inchoate, initiative sovereignty, in which a new government, just struggling into being, cannot be said yet perfectly to exist. But the premature recognition of such new government can give offence justly to no other than its ancient sovereign. The right of recognition comprehends the right to be informed; and the means of information must, of necessity, depend upon the sound discretion of the party seeking it. You may send out a commission of inquiry, and charge it with a provident attention to your own people and your own interests. Such will be the character of the proposed agency. It will not necessarily follow that any public functionary will be appointed by the President. You merely grant the means by which the Executive may act when *he* thinks proper. What does he tell you in his message? That Greece is contending for her independence; that all sympathize with her; and that no Power has declared against her. Pass this resolution, and what is the reply which it conveys to him? "You have sent us grateful intelligence; we feel warmly for Greece, and we grant you money, that, when you shall think it proper, when the interests of this nation shall not be jeopardded, you may depute a commissioner or public agent to Greece."

The whole responsibility is then left where the Constitution puts it. A member in his place may make a speech or proposition, the House may even pass a vote, in respect to our foreign affairs, which the President, with the whole field lying full before him, would not deem it expedient to effectuate.

But, sir, it is not for Greece alone that I desire to see this measure adopted. It will give to her but little support, and that purely of a moral kind. It is principally for America, for the credit and character of our common country, for our unsullied name, that I hope to see it pass. Mr. Chairman, what appearance on the page of history would a record like this exhibit? "In the month of January, in the year of our Lord and Saviour, 1824, while all European Christendom beheld, with cold and unfeeling indifference, the unexampled wrongs and inexpressible misery of Christian Greece, a proposition was made in the Congress of the United States, almost the sole, the last, the greatest depository of human hope and human freedom, the representatives of a gallant nation, containing a million of freemen ready to fly to arms, while the people of that nation were spontaneously expressing its deep-toned feeling, and the whole continent, by one simultaneous emotion, was rising, and solemnly and anxiously supplicating and invoking high Heaven to spare and succor Greece, and to invigorate her arms, in her glorious cause, while temples and Senate houses were alike resounding with one burst of generous and holy sympathy—in the year of our Lord and Saviour, that Saviour of Greece and of us—a proposition was offered in the

American Congress to send a messenger to Greece, to inquire into her state and condition, with a kind expression of our good wishes and our sympathies—and it was rejected!" Go home, if you can, go home, if you dare, to your constituents, and tell them that you voted it down—meet, if you can, the appalling countenances of those who sent you here, and tell them that you shrank from the declaration of your own sentiments—that you cannot tell how, but that some unknown dread, some indescribable apprehension, some indefinable danger, drove you from your purpose—that the spectres of cimeters, and crowns, and crescents, gleamed before you and alarmed you; and that you suppressed all the noble feelings prompted by Religion, by Liberty, by National Independence, and by Humanity. I cannot bring myself to believe that such will be the feeling of a majority of the committee. But, for myself, though every friend of the cause should desert it, and I be left to stand alone with the gentleman from Massachusetts, I will give to his resolution the poor sanction of my unqualified approbation.

II.

OUR TREATMENT OF THE CHEROKEES.

Delivered in the Senate of the United States, Feb. 14, 1835

I HOLD in my hands, and beg leave to present to the Senate, certain resolutions and a memorial to the Senate and House of Representatives of the United States, of a council met at Running Waters, consisting of a portion of the Cherokee Indians. The Cherokees have a country — if, indeed, it can be any longer called their country — which is comprised within the limits of Georgia, Alabama, Tennessee, and South Carolina. They have a population which is variously estimated, but which, according to the best information which I possess, amounts to about fifteen thousand souls. Of this population, a portion, believed to be much the greater part—amounting, as is estimated, to between nine and ten thousand souls — reside within the limits of the State of Georgia. The Senate is well aware, that for several years past it had been the policy of the General Government to transfer the Indians to the west of the Mississippi river, and that a portion of the Cherokees have already availed themselves of this policy of the Government, and emigrated beyond the Mississippi. Of those who remain, a portion — a respectable but also an inconsiderable portion—are desirous of emigrating to the West, and a much larger portion desire to re-

main on their lands, and lay their bones where rest those of their ancestors. The papers which I now present emanate from the minor portion of the Cherokees; from those who are in favor of emigration. They present a case which appeals strongly to the sympathies of Congress. They say that it is impossible for them to continue to live under laws which they do not understand, passed by authority in which they have no share, promulgated in language of which nothing is known to the greater portion of them, and e-tablishing rules for their government entirely unadapted to their nature, education, and habits. They say that destruction is hanging over them if they remain; that, their right of self-government being destroyed, though they are sensible of all the privations, and hardships, and sufferings of banishment from their native homes, they prefer exile with liberty, to residence in their homes with slavery. They implore, therefore, the intervention of the General Government to provide for their removal west of the Mississippi, and to establish guarantees, never hereafter to be violated, of the possession of the lands to be acquired by them west of the Mississippi, and of the perpetual right of self-government. This is the object of the resolutions and petition which I am about to offer to the Senate.

But I have thought that this occasion was one which called upon me to express the opinions and sentiments which I hold in relation to this entire subject, as respects not only the emigrating Indians, but those also who are desirous to remain at home: in short, to express in concise terms my views of the

relations between the Indian tribes and the people of the United States, the rights of both parties, and the duties of this Government in regard to them.

The rights of the Indians are to be ascertained, in the first place, by the solemn stipulations of numerous treaties made with them by the United States. It is not my purpose to call the attention of the Senate to all the treaties which have been made with Indian tribes bearing on this particular topic; but I feel constrained to ask the attention of the Senate to some portions of those treaties which have been made with the Cherokees, and to the memorable treaty of Greenville, which has terminated the war that previously thereto, for many years, raged between the United States and the northwestern Indian tribes. I find, upon consulting the collection of Indian treaties in my hand, that within the last half-century, fourteen different treaties have been concluded with the Cherokees, the first of which bore date in the year 1775, and some one or more of which have been concluded under every administration of the General Government, from the beginning of it to the present time, except the present Administration, and that which immediately preceded it. The treaty of Hopewell, the first in the series, was concluded in 1775; in the third article of which "the said Indians for themselves, and their respective tribes and towns, do acknowledge all the Cherokees to be under the protection of the United States of America, *and of no other sovereign whatsoever.*" The fifth article of the same treaty provides that—

"If any citizen of the United States, or other per-

son, not being an Indian, shall attempt to settle on any of the lands westward or southward of the said boundary, which are hereby allotted to the Indians for their hunting-grounds, or, having already settled, and will not remove from the same within six months after the ratification of this treaty, such person shall forfeit the protection of the United States, and the Indians may punish him or not, as they please: provided, nevertheless, that this article shall not extend to the people settled between the fork of French, Broad, and Holston rivers," &c.

The next treaty in the series, which was concluded after the establishment of the Government of the United States, under the auspices of the Father of his Country, was in the year 1791, on the banks of the Holston, and contains the following provision:

"ART. 7. The United States solemnly guarantee to the Cherokee nation all their lands not hereby ceded."

This is not an ordinary assurance of protection, &c., but a *solemn guarantee* of the rights of the Cherokees to the lands in question. The next treaty to which I will call the attention of the Senate, was concluded in 1793, also under the auspices of General Washington, and declares as follows:

"The undersigned, Henry Knox, Secretary for the department of war, being authorized thereto by the President of the United States, in behalf of the said United States, and the undersigned chiefs and warriors, in their own names, and in behalf of the whole Cherokee nation, are desirous of re-establishing peace and friendship between the said parties in a permanent manner, do hereby declare that the said treaty

of Holston is, to all intents and purposes, in full force and binding upon the said parties, as well in respect to boundaries therein mentioned, as in all other respects whatever."

This treaty, it is seen, *renews* the solemn guarantee contained in the preceding treaty, and declares it to be binding and obligatory upon the parties in all respects whatever.

Again: in another treaty, concluded in 1798, under the second Chief Magistrate of the United States, we find the following stipulations:

"ART. 2. The treaties subsisting between the present contracting parties are acknowledged to be of full and operating force; together with the construction and usage under their respective articles, and so to continue.

"ART. 3. The limits and boundaries of the Cherokee nation, as stipulated and marked by the existing treaties between the parties, shall be and remain the same, where not altered by the present treaty."

There were other provisions, in other treaties, to which, if I did not intend to take up as little time as possible of the Senate, I might advantageously call their attention. I will, however, pass on to one of the last treaties with the Cherokees, which was concluded in the year 1817. That treaty recognized the difference existing between the two portions of the Cherokees, one of which was desirous to remain at home and prosecute the good work of civilization, in which they had made some progress, and the other portion was desirous to go beyond the Mississippi.

In that treaty, the fifth article, after several other stipulations, concludes as follows :

“And it is further stipulated, that the treaties heretofore made between the Cherokee nation and the United States are to continue in full force with both parts of the nation, and both parts thereof are entitled to all the privileges and immunities which the old nation enjoyed under the aforesaid treaties; the United States reserving the right of establishing factories, a military post, and roads, within the boundaries above defined.”

And to this treaty, thus emphatically renewing the recognition of the rights of the Indians, is signed the name, as one of the Commissioners of the United States who negotiated it, of the present Chief Magistrate of the United States.

These were the stipulations in treaties with the Cherokee nation, to which I thought proper to call the attention of the Senate. I will now turn to the treaty of Greenville, concluded about forty years ago, recognizing some general principles applicable to this subject. The fifth article of that treaty reads as follows :

“To prevent any misunderstanding about the Indian lands relinquished by the United States in the fourth article, it is now explicitly declared, that the meaning of that relinquishment is this: the Indian tribes who have a right to those lands are quietly to enjoy them, hunting, planting, and dwelling thereon so long as they please, without any molestation from the United States; but when these tribes, or any of them, shall be disposed to sell their lands, or any part

of them, they are to be sold only to the United States; and, until such sale, the United States will protect all the said Indian tribes in the quiet enjoyment of their lands against all citizens of the United States, and all other white persons who intrude upon the same. And the said Indian tribes again acknowledge themselves to be under the protection of the said United States, and no other Power whatever."

Such, sir, are the rights of the Indian tribes. And what are those rights? They are, that the Indians shall live under their own customs and laws; that they shall live upon their own lands, hunting, planting, and dwelling thereon so long as they please, without interruption or molestation of any sort from the white people of the United States, acknowledging themselves under the protection of the United States, and of no other Power whatever; that when they no longer wish to keep the lands, they shall sell them only to the United States, whose Government thus secures to itself the pre-emptive right of purchase in them. These rights, so secured by successive treaties and guarantees, have also been recognized, on several occasions, by the highest judicial tribunals.

But it is not at home alone that the rights of the Indians within the limits of the United States have been recognized. Not only has the Executive, the Congress of the United States, and the Supreme Court, recognized these rights, but in one of the most important epochs of this Government, and on one of the most solemn occasions in our intercourse with foreign Powers, these rights of the Indian tribes have been acknowledged. You, sir, will understand me

at once to refer to the negotiation between the Government of Great Britain and that of the United States, which had for its object the termination of the late war between the two countries. Sir, it must be within your recollection, and that of every member of the Senate, that the hinge upon which that negotiation turned—the ground upon which it was for a long time apprehended that the conference between the commissioners would terminate in a rupture of the negotiation between the two countries—was, the claim brought forward on that memorable occasion by Great Britain in behalf of the Indians within the limits of the United States. It will be recollected that she advanced, as a principle from which she would not recede, as a *sine qua non*, again and again, during the progress of the negotiation, that the Indians, as her allies, should be included in the treaty of peace which the negotiators were about forming; that they should have a permanent boundary assigned them, and that neither Great Britain nor the United States should be at liberty to purchase their lands.

Such were the pretensions urged on that occasion, which the commissioners of the United States felt it to be their imperative duty to resist. To establish as the boundary the line of the treaty of Greenville, as proposed, which would have excluded from the benefit of American laws and privileges a population of not less than a hundred thousand of the inhabitants of Ohio—American citizens, entitled to the protection of the Government—was a proposition which the American negotiators could not for a moment entertain: they would not even refer it to their Govern-

ment, though assured that it would there meet the same unanimous rejection that it did from them. But it became a matter of some importance that a satisfactory assurance should be given to Great Britain that the war, which we were about to bring to a conclusion with her, should close also with her allies: and what was that assurance? I will not trouble the Senate with tracing the whole account of that negotiation, but I beg leave to call your attention to one of the passages of it. You will find, on examining the history of the negotiation, that the demand brought forward by the British Government, through their minister, on this occasion, was the subject of several argumentative papers. Toward the close of this correspondence, reviewing the course pursued toward the aborigines by the several European Powers which had planted colonies in America, comparing it with that of the United States, and contrasting the lenity, kindness, and forbearance of the United States, with the rigor and severity of other Powers, the American negotiators expressed themselves as follows:

“From the rigor of this system, however, as practised by Great Britain, and all the other European Powers in America, the humane and liberal policy of the United States has voluntarily relaxed. A celebrated writer on the law of nations, to whose authority British jurists have taken particular satisfaction in appealing, after stating, in the most explicit manner, the legitimacy of colonial settlements in America, to the exclusion of all rights of uncivilized Indian tribes, has taken occasion to praise the justice

and humanity of the first settlers of New England, and of the founder of Pennsylvania, in having purchased of the Indians the lands they resolved to cultivate, notwithstanding their being furnished with a charter from their sovereign. It is this example which the United States, since they became by their independence the sovereigns of the territory, have adopted and organized *into a political system*. Under *that system*, the Indians residing in the United States are so far independent, that *they live under their own customs, and not under the laws of the United States*: that their rights upon the lands where they inhabit or hunt *are secured to them by boundaries* defined in amicable treaties between the United States and themselves; and that whenever those boundaries are varied, it is also by amicable and voluntary treaties, by which they receive from the United States ample compensation for every right they have to the lands ceded by them," &c.

The correspondence was further continued; and finally the commissioners on the part of Great Britain proposed an article to which the American commissioners assented, the basis of which is a declaration of what is the state of the law between the Indian tribes and the people of the United States. They then proposed a further article, which declared that the United States should endeavor to restore peace to the Indians who had acted on the side of Great Britain, together with all the rights, possessions, privileges, and immunities, which they possessed prior to the year 1811, that is, antecedent to the war between England and the United States; in consideration that

Great Britain would terminate the war so far as respected the Indians who had been allies of the United States, and restore to them all the rights, privileges, possessions, and immunities, which these also had enjoyed previously to the same period. Mr. President, I here state my solemn belief, that if the American commissioners had not declared the laws between the Indians and the people of this country, and the rights of the Indians to be such as they are stated to be in the extracts I have read to the Senate; if they had then stated that any one State of this Union, which happened to have Indians residing within its limits, possessed the right of extending over them the laws of such State, and of taking their lands when and how it pleased, that the effect would have been a prolongation of the war. I again declare my most solemn belief that Great Britain, which assented with great reluctance to this mutual stipulation with respect to the Indians, never would have done it at all, but under a conviction of the correspondence of those principles of Indian international law (if I may use such a phrase), with those which the United States Government had respected ever since the period of our independence.

Sir, if I am right in this, let me ask whether, in adopting the new code which now prevails, and by which the rights of the Indians have been trampled on, and the most solemn obligations of treaties have been disregarded, we are not chargeable with having induced that power to conclude a peace with us by suggestions utterly unfounded and erroneous?

Most of the treaties between the Cherokee nation

of Indians and the United States have been submitted to the Senate for ratification, and the Senate have acted upon them in conformity with their constitutional power. Beside the action of the Senate, as a legislative body, in the enactment of laws in conformity with their stipulations, regulating the intercourse of our citizens with that nation, it has acted in its separate character, and confirmed the treaties themselves by the constitutional majority of two-thirds of its members. Thus have those treaties been sanctioned by the Government of the United States and by every branch of this Government; by the Senate, the Executive, and the Supreme Court; both at home and abroad. But not only have the rights of the Cherokees received all these recognitions; they have been, by implication, recognized by the State of Georgia itself, in the act of 1802, in which she stipulated that the Government of the United States, and not the State of Georgia, should extinguish the Indian title to the land within her limits; and the General Government has been, from time to time, urged by Georgia to comply with its engagements, from that period until the adoption of the late new policy upon this subject.

Having thus, Mr. President, stated, as I hope with clearness, the RIGHTS of the Indian tribes, as recognized by the most solemn acts that can be entered into by any Government, let me in the next place inquire into the nature of the *injuries* which have been inflicted upon them; in other words, into the present condition of the Cherokees, to whom protection has been assured, as well by solemn treaties as by the laws and guarantees of the United States Government.

And here let me be permitted to say, that I go into this subject with feelings which no language at my command will enable me adequately to express. I assure the Senate, and in an especial manner do I assure the honorable Senators from Georgia, that my wish and purpose is any other than to excite the slightest possible irritation on the part of any human being. Far from it. I am actuated only by feelings of grief, feelings of sorrow, and of profound regret, irresistibly called forth by a contemplation of the miserable condition to which these unfortunate people have been reduced by acts of legislation proceeding from one of the States of this confederacy. I again assure the honorable Senators from Georgia that, if it has become my painful duty to comment upon some of these acts, I do it not with any desire to place them, or the State they represent, in an invidious position; but because Georgia was, I believe, the first in the career, the object of which seems to be the utter annihilation of every Indian right, and because she has certainly, in the promotion of it, far outstripped every other State in the Union.

I have not before me the various acts of the State in reference to the Indians within her bounds; and it is possible I may be under some mistake in reference to them; and if I am, no one will correct the error more readily or with greater pleasure.

If, however, I had all those laws in my hands, I should not now attempt to read them. Instead of this, it will be sufficient for me to state the effects which have been produced by them upon the condition of the Cherokee Indians residing in that State.

And here follows a list of what has been done by her Legislature. Her first act was to abolish the government of these Cherokees. No human community can exist without a government of some kind; and the Cherokees, imitating our example, and having learned from us something of the principles of a free Constitution, established for themselves a government somewhat resembling our own. It is quite immaterial to us what its form was. They always had had some government among them; and we guaranteed to them the right of living under their own laws and customs, unmolested by any one; inasmuch that our own citizens were outlawed, should they presume to interfere with them. What particular regulations they adopted in the management of their humble and limited concerns, is a matter with which we have no concern. However, the very first act of the Georgia Legislature was to abolish all governments of every sort among these people, and to extend the laws and government of the State of Georgia over them. The next step was to divide their territory into counties; the next, to survey the Cherokee lands; and the last, to distribute this land among the citizens of Georgia by lottery, giving to every head of a family one ticket, and the prize in land that should be drawn against it. To be sure, there were many reservations for the heads of Indian families—and of how much did gentlemen suppose?—of one hundred and sixty acres only, and this to include their improvements. But even to this limited possession, the poor Indian was to have no fee-simple title; he was to hold as a mere occupant, at the will of the State of Georgia, for just so long

or so short a time as she might think proper. The laws at the same time gave him no one particular right whatever. He could not become a member of the State Legislature, nor could he hold any office under State authority, nor could he vote as an elector. He possessed not one single right of a freeman. No, not even the poor privilege of testifying to his wrongs in the character of a witness in the courts of Georgia, or in any matter of controversy whatever.

These, Mr. President, are the acts of the Legislature of the State of Georgia in relation to the Indians. They were not all passed at one session; they were enacted, time after time, as the State advanced further and further in her steps to the acquisition of the Indian country, and the destruction and annihilation of all Indian rights, until, by a recent act of the same body, the courts of the State itself are occluded against the Indian sufferer, and he is actually denied an appeal even to foreign tribunals, in the erection and in the laws of which he had no voice, there to complain of his wrongs. If he enters the hall of Georgia's justice, it is upon a surrender at the threshold of all his rights. The history of this law to which I have alluded, is this: When the previous law of the State, dividing the Indian lands by lottery was passed, some Indians made an appeal to one of the judges of the State, and applied for an injunction against the proceeding; and such was the undeniable justice of their plea, that the judge found himself unable to refuse it, and he granted the injunction sought. It was the injunction which led to the passage of this act, to some of the provisions of which I now invite

the attention of the Senate. And first, to the title of the act:

“A bill to amend an act entitled an act more effectually to provide for the government and protection of the Cherokee Indians residing within the limits of Georgia: and to prescribe the bounds of their occupant claims: and also to authorize grants to issue for lots drawn in the late land and gold lotteries.”

Ah, sir, it was the pursuit of gold which led the Spanish invader to desolate the fair fields of Mexico and Peru —

“And to provide for the appointment of an agent to carry certain parts thereof into execution; and to fix the salary of such agent, and to punish those persons who may deter Indians from enrolling for emigration, passed 20th December, 1833.”

Well, sir, this bill goes on to provide,

“That it shall be the duty of the agent or agents appointed by his excellency the Governor, under the authority of this or the act of which it is amendatory, to report to him the number, district, and section of all lots of land subject to be granted by the provisions of said act, which he may be required to do by the drawer, or his agent, or the person claiming the same; and it shall be the duty of his excellency the Governor, upon the application of the drawer of any of the aforesaid lots, his or her special agents, or the person to whom the drawer may have bona-fide conveyed the same, his agent or assigns, to issue a grant therefor; and it shall be the duty of the said agent or agents, upon the production of the grant so issued as aforesaid by the grantor, his or her agent, or the

person, or his or her agent to whom the said land so granted as aforesaid may have been bona-fide conveyed, to deliver possession of said granted lot to the said grantee or person entitled to the possession of the same under the provisions of this act, or the act of which this is amendatory, and his excellency the Governor is hereby authorized, upon satisfactory evidence that the said agent is impeded or resisted in delivering such possession, by a force which he cannot overcome, to order out a sufficient force to carry the power of said agent or agents fully into effect, and to pay the expenses of the same out of the contingent fund: *Provided*, nothing in this act shall be so construed as to require the interference of the said agent between two or more individuals claiming possession, by virtue of titles derived from a grant from the State, to any lot."

Thus, after the State of Georgia had distributed the lands of the Indians by lottery, and the drawers of prizes were authorized to receive grants of the land drawn, and with these grants in their hand, were authorized to demand of the agent of the State, appointed for the purpose, to be put in possession of the soil thus obtained. If any resistance to their entry should be made—and who was to make it but a poor Indian?—the Governor was empowered to turn out the military force of the State, and enable the agent to take possession by force, without trial, without judgment, and without investigation.

But, should there be two claimants of the prize, should two of the ticket-holders dispute their claim to the same lot, then no military force was to be used.

It was only when the resistance was by an Indian—it was only when Indian rights should come into collision with the alleged rights of the State of Georgia—that the strong hand of military power was instantly to interpose.

The next section of the act is in these words:

“And be it further enacted by the authority aforesaid, That if any person dispossessed of a lot of land under this act, or the act of which it is amendatory, shall go before a justice of the peace or of the inferior court, and make affidavit that he or she was not liable to be dispossessed under or by any of the provisions of this or the aforesaid act, and file said affidavit in the clerk’s office of the superior court of the county in which said land shall lie, such person, upon giving bond and security in the clerk’s office for the costs to accrue on the trial, shall be permitted, within ten days from such dispossessing, to enter an appeal to said superior court, and at said court the judge shall cause an issue to be made up between the appellant and the person to whom possession of said land was delivered by either of said agents, which said issue shall be in the following form.”

[Mr. Cuthbert, of Georgia, here interposed; and, having obtained Mr. Clay’s consent to explain, stated that he had unfortunately not been in the Senate when the honorable Senator commenced his speech; but had learned that it was in support of a memorial from certain Cherokee Indians in the State of Georgia, who desired to emigrate. He must be permitted to say, that the current of the honorable Senator’s remarks did not suit remarkably well the subject

of such a memorial. A memorial of a different kind had been presented, and which the Committee on Indian Affairs had before it, to which the Senator's remarks would better apply. The present discussion was wholly unexpected, and it seemed to him not in consistency with the object of the memorial he had presented.]

MR. CLAY.—I am truly sorry the honorable gentleman was absent when I commenced speaking. I delayed presenting the memorial because I observed that neither of the Senators from Georgia were in their seats, until the hour when they might be expected to be present, and when one of them (Mr. King) had actually taken his seat. If the honorable Senator had been present, he would have heard me say that I thought the presentation of the memorial a fit occasion to express my sentiments, not only touching the rights of these individual petitioners, but on the rights of all the Indian tribes, and their relations to this Government. And if he will have but a little patience, he will find that it is my intention to present propositions which go to embrace both resolutions.

And here, Mr. President, let me pause and invite the attention of the Senate to the provision in the act of Georgia which I was reading—that is, that he may have the privilege of an appeal to a tribunal of justice, by forms and by a bond with the nature and force of which he is unacquainted; and that then he may have—what besides? I invoke the attention of the Senate to this part of the law. What, I ask, does it secure to the Indian? His rights? The rights recognized by treaties? The rights guaranteed to him

by the most solemn acts which human governments can perform. No. It allows him to come into the courts of the State, and there to enjoy the benefit of the summary proceeding called in the act "an appeal!"—but which can never be continued beyond a second term; and when he comes there, what then? He shall be permitted to come into court and enter an appeal, which shall be in the following form:

"A. B., who was dispossessed of a lot of land by an agent of the State of Georgia, comes into court, and *admitting the right of the State of Georgia to pass the law under which said agent acted*, avers that he was not liable to be dispossessed of said land, by or under any one of the provisions of the act of the General Assembly of Georgia, passed 20th December, 1833, 'more effectually to provide for the protection of the Cherokee Indians residing within the limits of Georgia, and to prescribe the bounds of their occupant claims, and also to authorize grants to issue for lots drawn in the land and gold lotteries in certain cases, and to provide for the appointment of an agent to carry certain parts thereof into execution, and fix the salary of such agent, and to punish those persons who may deter Indians from enrolling for emigration,' or the act amendatory thereof, passed at the session of the Legislature of 1834: 'in which issue the person to whom possession of said land was delivered shall join; and which issue shall constitute the entire pleadings between the parties; nor shall the court allow any matter other than is contained in said issue to be placed upon the record or files of said court; and said cause shall be tried at the first term of the

court, unless good cause shall be shown for a continuance, and the same party shall not be permitted to continue said cause more than once, except for unavoidable providential cause: nor shall said court, at the instance of either party, pass any order or grant any injunction to stay said cause, nor permit to be engrafted on said cause any other proceedings whatever."

At the same time we find, by another enactment, the judges of the courts of Georgia are restrained from granting injunctions, so that the only form in which the Indian can come before them, is in the form of an appeal; and in this, the very first step is an absolute renunciation of the rights he holds by treaty, and the unqualified admission of the rights of his antagonist, as conferred by the laws of Georgia; and the court is expressly prohibited from putting anything else upon the record. Why? Do we not all know the reason? If the poor Indian was allowed to put in a plea stating his rights, and the court should then decide against him, the cause would go upon an appeal to the Supreme Court; the decision could be re-examined, could be annulled, and the authority of treaties vindicated. But, to prevent this, to make it impossible, he is compelled, on entering the court, to renounce his Indian rights, and the court is forbidden to put anything on record which can bring up a decision upon them.

Mr. President, I have already stated that, in the observations I have made, I am actuated by no other feeling than such as ought to be in the breast of every honest man — the feeling of common justice.

I would say nothing, I would whisper nothing, I would insinuate nothing, I would think nothing, which can, in the remotest degree, cause irritation in the mind of any one, of any Senator here, of any State in this Union. I have too much respect for every member of the confederacy. I feel nothing but grief for the wretched condition of these most unfortunate people, and every emotion of my bosom dissuades me from the use of epithets that might raise emotions which should draw the attention of the Senate from the justice of their claims. I forbear to apply to this law any epithet of any kind. Sir, no epithet is needed. The features of the law itself; its warrants for the interposition of military power, when no trial and no judgment has been allowed; its denial of any appeal, unless the unhappy Indian shall first renounce his own rights, and admit the rights of his opponent—features such as these, are enough to show what the true character of the act is, and supersede the necessity of all epithets, were I even capable of applying them.

The Senate will thus perceive that the whole power of the State of Georgia, military as well as civil, has been made to bear upon these Indians, without their having any voice in forming, judging upon, or executing the laws under which they are placed, and without even the poor privilege of establishing the injury they may have suffered by Indian evidence; nay, worse still, not even by the evidence of a white man! Because the renunciation by each of his rights precludes all evidence, white or black, civilized or savage. There, then, he lies, with his property, his

rights, and every privilege which makes human existence desirable, at the mercy of the State of Georgia; a State in whose government or laws he has no voice. Sir, it is impossible for the most active imagination to conceive a condition of human society more perfectly wretched. Shall I be told that the condition of the African slave is worse? No, sir; no, sir. It is *not* worse. The interest of the master makes it at once his duty and his inclination to provide for the comfort and the health of his slave: for without these he would be unprofitable. Both pride and interest render the master prompt in vindicating the rights of his slave, and protecting him from the oppression of others, and the laws secure to him the amplest means to do so. But who, what human being, stands in the relation of master, or any other relation, which makes him interested in the preservation and protection of the poor Indian, thus degraded and miserable? Thrust out from human society, without the sympathies of any, and placed without the pale of common justice, who is there to protect him, or to defend his rights?

Such, Mr. President, is the present condition of these Cherokee memorialists, whose case it is my duty to submit to the consideration of the Senate. There remains but one more inquiry before I conclude. Is there any remedy within the scope of the powers of the Federal Government as given by the Constitution? If we are without the power, if we have no constitutional authority, then we are also without responsibility. Our regrets may be excited, our sympathies may be moved, our humanity may be

shocked, our hearts may be grieved, but if our hands are tied, we can only unite with all the good, the Christian, the benevolent portion of the human family, in deploring what we cannot prevent.

But, sir, we are not thus powerless. I stated to the Senate, when I began, that there are two classes of the Cherokees; one of these classes desire to emigrate, and it was their petition I presented this morning; and with respect to these, our powers are ample to afford them the most liberal and effectual relief. They wish to go beyond the Mississippi, and to be guaranteed in the possession of the country which may be there assigned to them. As the Congress of the United States have full powers over the territories, we may give them all the guarantee which Congress can express for the undisturbed possession of their lands. With respect to their case there can be no question as to our powers.

And then, as to those who desire to remain on this side the river, I ask again, are we powerless? Can we afford them no redress? Must we sit still and see the injury they suffer, and extend no hand to relieve them? It were strange, indeed, were such the case. Why have we guaranteed to them the enjoyment of their own laws? Why have we pledged to them protection? Why have we assigned them limits of territory? Why have we declared that they shall enjoy their homes in peace, without molestation from any? If the United States Government has contracted these serious obligations, it ought, before the Indians were induced by our assurances to rely upon our engagement, to have explained to them its want

of authority to make the contract. Before we pretend to Great Britain, to Europe, to the civilized world, that such were the rights we would secure to the Indians, we ought to have examined the extent and the grounds of our own right to do so. But is such, indeed, our situation? No, sir. Georgia has shut her courts against these Indians. What is the remedy? To open ours. Have we not the right? What says the Constitution?

“The judicial power shall extend to all cases in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority.”

But here is a case of conflict between the rights of the proprietors and the local laws; and here is the very case which the Constitution contemplated, when it declared that the power of the Federal Judiciary should extend to all cases arising under the authority of the United States. Therefore it is fully within the competence of Congress, under the provisions of the Constitution, to provide the manner in which the Cherokees may have their rights decided, because a grant of the means is included in the grant of jurisdiction. It is competent, then, for Congress to decide whether the Cherokees have a right to come into a court of justice, and to make an appeal to the highest authority to sustain the solemn treaties under which their rights have been guaranteed, and in the sacred character of which they have reposed their confidence. And if Congress possesses the power to extend relief to the Indians, are they not bound by the most sacred of human considerations, the obli-

gations of treaties, the protection assured them, by every Christian tie, every benevolent feeling, every humane impulse of the human heart, to extend it? If they were to fail to do this, and there is, as reason and revelation declare there is, a tribunal of eternal justice to which all human power is amenable, how could they, if they refused to perform their duties to this injured and oppressed, though civilized race, expect to escape the visitations of that Divine vengeance which none will be permitted to avoid who have committed wrong, or done injustice to others?

At this moment, when the United States are urging on the Government of France the fulfilment of the obligations of the treaty concluded with that country, to the execution of which it is contended that France has plighted her sacred faith, what strength, what an irresistible force would be given to our plea, if we could say to France that, in all instances, we had completely fulfilled all our engagements, and that we had adhered faithfully to every obligation which we had contracted, no matter whether it was entered into with a powerful or a weak people; if we could say to her that we had complied with all our engagements to others, that we now came before her, always acting right as we had done, to induce her also to fulfil her obligations with us. How shall we stand in the eyes of France and of the civilized world, if, in spite of the most solemn treaties, which have existed for half a century, and have been recognized in every form, and by every branch of the Government, how shall we be justified if we

suffer these treaties to be trampled under foot, and the rights which they were given to secure trodden in the dust? How would Great Britain, after the solemn understanding entered into with her at Ghent, feel after such a breach of faith? And how could I, as a commissioner in the negotiation of that treaty, hold up my head before Great Britain, after being thus made an instrument of fraud and deception, as I assuredly shall be, if the rights of the Indians are to be thus outraged, and the treaties by which they were secured violated? How could I hold up my head, after such a violation of rights, and say that I am proud of my country, of which we must all wish to be proud?

For myself, I rejoice that I have been spared, and allowed a suitable opportunity to present my views and opinions on this great national subject, so interesting to the character of the country for justice and equity. I rejoice that the voice which, without charge of presumption or arrogance, I may say, has ever been raised in defence of the oppressed of the human species, has been heard in defence of this most oppressed of all. To me, in that awful hour of death, to which all must come, and which, with respect to myself, cannot be very far distant, it will be a source of the highest consolation that an opportunity has been found by me, on the floor of the Senate, in the discharge of my official duty, to pronounce my views on a course of policy marked by such wrongs as are calculated to arrest the attention of every one, and that I have raised my humble voice, and pronounced my solemn protest against such wrongs.

III.

ON THE PUBLIC LANDS.

Delivered in the Senate of the United States, 1832.

IN rising to address the Senate, I owe, in the first place, the expression of my hearty thanks to the majority, by whose vote, just given, I am indulged in occupying the floor on this most important question. I am happy to see that the days when the sedition acts and gag laws were in force, and when screws were applied for the suppression of the freedom of speech and debate, are not yet to return; and that, when the consideration of a great question has been specially assigned to a particular day, it is not allowed to be arrested and thrust aside by any unexpected and unprecedented parliamentary manœuvre. The decision of the majority demonstrates that feelings of liberality, and courtesy, and kindness, still prevail in the Senate; and that they will be extended even to one of the humblest members of the body; for such, I assure the Senate, I feel myself to be.

It may not be amiss again to allude to the extraordinary reference of the subject of the public lands to the Committee of Manufactures. I have nothing to do with the motives of honorable Senators who composed the majority by which that reference was ordered. The decorum proper in this hall obliges me to consider their motives to have been pure and patriotic. But still I must be permitted to regard the

proceeding as very unusual. The Senate has a standing Committee on the Public Lands, appointed under long-established rules. The members of that Committee are presumed to be well acquainted with the subject; they have some of them occupied the same station for many years, are well versed in the whole legislation on the public lands, and familiar with every branch of it; and four out of five of them come from the new States. Yet, with a full knowledge of all these circumstances, a reference was ordered, by a majority of the Senate, to the Committee on Manufactures — a Committee than which there is not another standing committee of the Senate whose prescribed duties are more incongruous with the public domain. It happened, in the constitution of the Committee of Manufactures, that there was not a solitary Senator from the new States, and but one from any Western State. We earnestly protested against the reference, and insisted upon its impropriety; but we were overruled by the majority, including a majority of Senators from the new States. I will not attempt an expression of the feelings excited in my mind on that occasion. Whatever may have been the intention of honorable Senators, I could not be insensible to the embarrassment in which the Committee of Manufactures was placed, and especially myself. Although any other member of that Committee could have rendered himself, with appropriate researches and proper time, more competent than I was to understand the subject of the Public Lands, it was known that, from my local position, I alone was supposed to have any particular knowledge

of them. Whatever emanated from the Committee was likely, therefore, to be ascribed to me. If the Committee should propose a measure of great liberality toward the new States, the old States might complain. If the measure should seem to lean toward the old States, the new might be dissatisfied. And, if it inclined to neither class of States, but recommended a plan according to which there would be distributed impartial justice among all the States, it was far from certain that any would be pleased.

Without venturing to attribute to honorable Senators the purpose of producing this personal embarrassment, I felt it as a necessary consequence of their act, just as much as if it had been in their contemplation. Nevertheless, the Committee of Manufactures cheerfully entered upon the duty which, against its will, was thus assigned to it by the Senate. And for the causes already noticed, that of preparing a report and suggesting some measure embracing the whole subject, devolved in the committee upon me. The general features of our land system were strongly impressed upon my memory; but I found it necessary to re-examine some of the treaties, deeds of cession, and laws, which related to the acquisition and administration of the public lands; and then to think of, and if possible strike out some project, which, without inflicting injury upon any of the States, might deal equally and justly with all of them. The report and bill, submitted to the Senate, after having been previously sanctioned by a majority of the Committee, were the results of this consideration. The report, with the exception of the principle of distribu-

tion which concludes it, obtained the unanimous concurrence of the Committee of Manufactures.

This report and bill were hardly read in the Senate before they were violently denounced. And they were not considered by the Senate before a proposition was made to refer the report to that very Committee of the Public Lands to which, in the first instance, I contended the subject ought to have been assigned. It was in vain that we remonstrated against such a proceeding, as unprecedented; as implying unmerited censure on the Committee of Manufactures; as leading to interminable references: for what more reason could there be to refer the report of the Committee of Manufactures to the Land Committee than would exist for a subsequent reference of the report of this Committee, when made, to some third committee, and so on in an endless circle? In spite of all our remonstrances, the same majority, with but little if any variation, which had originally resolved to refer the subject to the Committee of Manufactures, now determined to commit its bill to the Land Committee. And this not only without particular examination into the merits of the bill, but without the avowal of any specific amendment which was deemed necessary! The Committee of Public Lands, after the lapse of some days, presented a report, and recommended a reduction of the price of the public lands immediately to one dollar per acre, and eventually to fifty cents per acre; and the grant to the new States of fifteen per cent. on the nett proceeds of the sales, instead of ten, as proposed by the Committee of Manufactures, and nothing to the old States.

And now, Mr. President, I desire at this time to make a few observations in illustration of the original report; to supply some omissions in its composition; to say something as to the power and rights of the General Government over the public domain; to submit a few remarks on the counter-report; and to examine the assumptions which it contains, and the principles on which it is founded.

No subject which had presented itself to the present, or perhaps any preceding Congress, was of greater magnitude than that of the public lands. There was another, indeed, which possessed a more exciting and absorbing interest, but the excitement was happily but temporary in its nature. Long after we shall cease to be agitated by the tariff, ages after our manufactures shall have acquired a stability and perfection which will enable them successfully to cope with the manufactures of any other country, the public lands will remain a subject of deep and enduring interest. In whatever view we contemplate them, there is no question of such vast importance. As to their extent, there is public land enough to found an empire; stretching across the immense continent, from the Atlantic to the Pacific Ocean, from the Gulf of Mexico to the northwestern lakes, the quantity, according to official surveys and estimates, amounting to the prodigious sum of one billion and eighty millions of acres! As to the duration of the interest regarded as a source of comfort to our people, and of public income—during the last year, when a greater quantity was sold than ever in one year had been previously sold, it amounted to less than three

millions of acres, producing three and a half millions of dollars. Assuming that year as affording the standard rate at which the lands will be annually sold, it would require three hundred years to dispose of them. But the sales will probably be accelerated from increased population and other causes. We may safely, however, anticipate that long, if not centuries after the present day, the representatives of our children's children may be deliberating in the halls of Congress on laws relating to the public lands.

The subject, on other points of view, challenged the fullest attention of an American statesman. If there were any one circumstance more than all others which distinguished our happy condition from that of the nations of the Old World, it was the possession of this vast national property, and the resources which it afforded to our people and our Government. No European nation (possibly with the exception of Russia) commanded such an ample resource. With respect to the other Republics of this continent, we have no information that any of them have yet adopted a regular system of previous survey and subsequent sale of their wild lands, in convenient tracts, well defined, and adapted to the wants of all. On the contrary, the probability is that they adhere to the ruinous and mad system of old Spain, according to which large, unsurveyed districts are granted to favorite individuals, prejudicial to them, who often sink under the incumbrance, and die in poverty, while the regular current of immigration is checked and diverted from its legitimate channels.

And if there be, in the operations of this Government, one which more than any other displays consummate wisdom and statesmanship, it is that system by which the public lands have been so successfully administered. We should pause, solemnly pause, before we subvert it. We should touch it hesitatingly, and with the gentlest hand. The prudent management of the public lands, in the hands of the General Government, will be more manifest by contrasting it with that of several of the States, which had the disposal of large bodies of waste lands. Virginia possessed an ample domain west of the mountains, and in the present State of Kentucky, over and above her munificent cession to the General Government. Pressed for pecuniary means, by the Revolutionary war, she brought her wild lands, during its progress, into market, receiving payment in paper-money. There were no previous surveys of the waste lands — no townships, no sections, no official definition or description of tracts. Each purchaser made his own location, describing the land bought as he thought proper. These locations or descriptions were often vague and uncertain. The consequence was, that the same tract was not unfrequently entered various times by different purchasers, so as to be literally shingled over with conflicting claims. The State perhaps sold in this way more than it was entitled to, but then it received nothing in return that was valuable; while the purchasers, in consequence of the clashing and interference between their rights, were exposed to tedious, vexatious, and ruinous litigation. Kentucky long and severely suffered from

this cause, and is just emerging from the troubles brought upon her by improvident land legislation. Western Virginia has also suffered greatly, though not to the same extent.

The State of Georgia had large bodies of waste lands, which she disposed of in a manner satisfactory, no doubt, to herself, but astonishing to every one out of that commonwealth. According to her system, waste lands are distributed in lotteries among the people of the State, in conformity with the enactments of the Legislature. And when one district of country is disposed of, as there are many who do not draw prizes, the unsuccessful call out for fresh distributions. These are made from time to time, as lands are acquired from the Indians; and hence one of the causes of the avidity with which the Indian lands are sought. It is manifest that neither the present generation nor posterity can derive much advantage from this mode of alienating public lands. On the contrary, I should think, it cannot fail to engender speculation and a spirit of gambling.

The State of Kentucky, in virtue of a compact with Virginia, acquired a right to a quantity of public lands south of Green river. Neglecting to profit by the unfortunate example of the parent State, she did not order the country to be surveyed previous to its being offered to purchasers. Seduced by some of those wild land projects, of which at all times there have been some afloat, and which hitherto the General Government alone has firmly resisted, she was tempted to offer her waste lands to settlers, at different prices, under the name of head-rights or pre-

emptions. As the laws, like most legislation upon such subjects, were somewhat loosely worded, the keen eye of the speculator soon discerned the defects, and he took advantage of them. Instances had occurred of masters obtaining certificates of head-rights in the name of their slaves, and thus securing the land, in contravention of the intention of the Legislature. Slaves generally have but one name, being called Tom, Jack, Dick, or Harry. To conceal the fraud, the owner would add Black, or some other cognomination, so that the certificate would read Tom Black, Jack Black, &c. The gentleman from Tennessee (Mr. Grundy) will remember, some twenty odd years ago, when we were both members of the Kentucky Legislature, that I took occasion to animadvert upon these fraudulent practices, and observed that when the names came to be alphabeted, the truth would be told, whatever might be the language of the record; for the alphabet would read *Black* Tom, *Black* Harry, &c. Kentucky realized more in her treasury than the parent State had done, considering that she had but a remnant of public lands, and she added somewhat to her population. But her lands were far less available than they would have been under a system of previous survey and regular sale.

These observations in respect to the course of the respectable States referred to, in relation to their public lands, are not prompted by any unkind feelings toward them, but to show the superiority of the land system of the United States.

Under the system of the General Government, the wisdom of which, in some respects, is admitted even

by the report of the land committee, the country subject to its operation, beyond the Alleghany Mountains, has rapidly advanced in population, improvement, and prosperity. The example of the State of Ohio was emphatically relied on by the report of the committee of manufactures—its million of people, its canals and other improvements, its flourishing towns, its highly-cultivated fields, all put there within less than forty years. To weaken the force of this example, the land committee deny that the population of that State is principally settled upon public lands derived from the General Government. But, Mr. President, with great deference to that committee, I must say that it labors under misapprehension. Three-fourths, if not four-fifths, of the population of that State are settled upon public lands purchased from the United States, and they are the most flourishing parts of the State. For the correctness of this statement, I appeal to my friend from Ohio (Mr. Ewing), near me. He knows, as well as I do, that the rich valleys of the Miami of Ohio, and the Maumee of the lake, the Scioto and the Muskingum, are principally settled by persons deriving titles to their lands from the United States.

In a national point of view, one of the greatest advantages which these public lands in the West, and this system of selling them, affords, is the resource which they present against pressure and want, in other parts of the Union, from the vocations of society being too closely filled and too much crowded. They constantly tend to sustain the price of labor, by the opportunity which they offer for the acquisition of

fertile land at a moderate price, and the consequent temptation to emigrate from those parts of the Union where labor may be badly rewarded.

The progress of settlement, and the improvement in the fortunes and condition of individuals, under the operation of this beneficent system, are as simple as they are manifest. Pioneers of a more adventurous character, advancing before the tide of emigration, penetrate into the uninhabited regions of the West. They apply the axe to the forest, which falls before them, or the plough to the prairie, deeply sinking its share in the unbroken wild grasses in which it abounds. They build houses, plant orchards, inclose fields, cultivate the earth, and rear up families around them. Meantime, the tide of emigration flows upon them, their improved farms rise in value, a demand for them takes place, they sell to the new-comers at a great advance, and proceed farther West, with ample means to purchase from government, at reasonable prices, sufficient land for all the members of their families. Another and another succeeds, the first pushing on westwardly the previous settlers, who in their turn sell out their farms, constantly augmenting in price, until they arrive at a fixed and stationary value. In this way, thousands and tens of thousands are daily improving their circumstances and bettering their condition. I have often witnessed this gratifying progress. On the same farm you may sometimes behold, standing together, the first rude cabin of round and unhewn logs, and wooden chimneys; the hewed-log house, chinked and shingled, with stone or brick chimneys; and lastly, the comfortable

brick or stone dwelling; each denoting the different occupants of the farm, or the several stages in the condition of the same occupant. What other nation can boast of such an outlet for its increasing population, such bountiful means of promoting their prosperity, and securing their independence?

To the public lands of the United States, and especially to the existing system by which they are distributed with so much regularity and equity, are we indebted for these signal benefits in our national condition. And every consideration of duty, to ourselves and to posterity, enjoins that we should abstain from the adoption of any wild project that would cast away this vast national property, holden by the General Government in sacred trust for the whole people of the United States, and forbids that we should rashly touch a system which has been so successfully tested by experience.

It has been only within a few years that restless men have thrown before the public their visionary plans for squandering the public domain. With the existing laws the great State of the West is satisfied and contented. She has felt their benefit, and grown great and powerful under their sway. She knows and testifies to the liberality of the General Government in the administration of the public lands, extended alike to her and to the other new States. There are no petitions from, no movements in Ohio, proposing vital and radical changes in the system. During the long period, in the House of Representatives and in the Senate, that her upright and unambitious citizen, the first representative of that State,

and afterward successively Senator and Governor, presided over the Committee of Public Lands, we heard of none of these chimerical schemes. All went on smoothly, and quietly, and safely. No man, in the sphere within which he has acted, ever commanded or deserved the implicit confidence of Congress more than Jeremiah Morrow. There existed a perfect persuasion of his entire impartiality and justice between the old States and the new. A few artless but sensible words, pronounced in his plain Scotch-Irish dialect, were always sufficient to insure the passage of any bill or resolution which he reported. For about twenty-five years there was no essential change in the system; and that which was at last made, varying the price of the public lands from two dollars, at which it had all that time remained, to one dollar and a quarter, at which it has been fixed only about ten or twelve years, was founded mainly on the consideration of abolishing the previous credits.

Assuming the duplication of our population in terms of twenty-five years, the demand for waste land, at the end of every term, will at least be double what it was at the commencement. But the ratio of the increased demand will be much greater than the increase of the *whole* population of the United States, because the Western States nearest to, or including the public lands, populate much more rapidly than other parts of the Union; and it will be from them that the greatest current of emigration will flow. At this moment Ohio, Kentucky, and Tennessee, are the most migrating States in the Union.

To supply this constantly-augmenting demand, the

policy which has hitherto characterized the General Government has been highly liberal toward both individuals and the new States. Large tracts, far surpassing the demand of purchasers, in every climate and situation, adapted to the wants of all parts of the Union, are brought into market at moderate prices, the Government having sustained all the expense of the original purchase, and of surveying, marking, and dividing the land. For fifty dollars any poor man may purchase forty acres of first-rate land; and for less than the wages of one year's labor, he may buy eighty acres. To the new States, also, has the Government been liberal and generous in the grants for schools and for internal improvements, as well as in reducing the debt contracted for the purchase of lands, by the citizens of those States, who were tempted, in a spirit of inordinate speculation, to purchase too much, or at too high prices.

Such is a rapid outline of this invaluable national property—of the system which regulates its management and distribution, and of the effects of that system. We might here pause, and wonder that there should be a disposition with any to waste or throw away this great resource, or to abolish a system which has been fraught with so many manifest advantages. Nevertheless, there are such who, impatient with the slow and natural operation of wise laws, have put forth various pretensions and projects concerning the public lands, within a few years past. One of these pretensions is an assumption of the sovereign right of the new States to all the lands within their respective limits, to the exclusion of the General Govern-

ment, and to the exclusion of all the people of the United States, those in the new States only excepted. It is my purpose now to trace the origin, examine the nature, and expose the injustice of this pretension.

This pretension may be fairly ascribed to the propositions of the gentleman from Missouri (Mr. Benton) to graduate the public lands, to reduce the price, and cede the "refuse" lands (a term which I believe originated with him) to the States within which they lie. Prompted probably by these propositions, a late Governor of Illinois, unwilling to be outdone, presented an elaborate message to the Legislature of that State, in which he gravely and formally asserted the right of that State to all the land of the United States comprehended within its limits. It must be allowed that the Governor was a most impartial judge, and the Legislature a most disinterested tribunal, to decide such a question!

The Senator from Missouri was chanting most sweetly to the tune "refuse lands," "refuse lands," "refuse lands," on the Missouri side of the Mississippi, and the soft strains of his music having caught the ear of his excellency on the Illinois side, he joined in chorus and struck an octave higher. The Senator from Missouri wished only to pick up some crumbs which fell from Uncle Sam's table; but the Governor resolved to grasp the whole loaf. The Senator modestly claimed only an old, smoked, rejected joint; but the stomach of his excellency yearned after the whole hog! The Governor peeped over the Mississippi into Missouri, and saw the Senator leisurely roaming in some rich pastures, on bits of refuse lands. He re-

turned to Illinois, and, springing into the grand prairie, determined to claim and occupy it in all its boundless extent.

Then came the resolution of the Senator from Virginia (Mr. Tazewell) in May, 1826, in the following words:

“*Resolved*, That it is expedient for the United States to cede and surrender to the several States, within whose limits the same may be situated, all the right, title, and interest of the United States, to any lands lying and being within the boundaries of such States, respectively, upon such terms and conditions as may be consistent with the due observance of the public faith, and with the general interest of the United States.”

The latter words rendered the resolution somewhat ambiguous; but still it contemplated a cession and surrender. Subsequently, the Senator from Virginia proposed, after a certain time, a gratuitous surrender of all unsold lands, to be applied by the Legislature, *in support of education and the internal improvement of the State.*

[Here Mr. Tazewell controverted the statement. Mr. Clay called to the Secretary to hand him the journal of April, 1828, which he held up to the Senate, and read from it the following:

“The bill to graduate the price of the public lands, to make donations thereof to actual settlers, and to cede the refuse to the States in which they lie, being under consideration —

Mr. Tazewell moved to insert the following as a substitute:

“That the lands which shall have been subject to sale under the provisions of this act, and shall remain unsold for two years, after having been offered at twenty-five cents per acre, shall be, and the same are ceded to the State in which the same may lie, to be applied by the Legislature thereof in support of education, and the internal improvement of the State.”]

Thus it appears not only that the honorable Senator proposed the cession, but showed himself the friend of education and internal improvements, by means derived from the General Government. For this liberal disposition on his part, I believe it was, that the State of Missouri honored a new county with his name. If he had carried his proposition, that State might well have granted a principality to him.

The memorial of the Legislature of Illinois, probably produced by the message of the Governor already noticed, had been presented, asserting a claim to the public lands. And it seems—although the fact had escaped my recollection until I was reminded of it by one of her Senators (Mr. Hendricks) the other day—that the Legislature of Indiana had instructed her Senators to bring forward a similar claim. At the last session, however, of the Legislature of that State, resolutions had passed, instructing her delegation to obtain from the General Government *cessions* of the unappropriated public lands, on the most favorable terms. It is clear from this last expression of the will of that Legislature, that, on reconsideration, it believed the right of the public lands to be in the General Government, and not in the State of Indiana. For, if they did not belong to the

General Government, it had nothing to cede; if they belonged already to the State, no cession was necessary to the perfection of the right of the State.

I will here submit a passing observation. If the General Government had the power to cede the public lands to the new States for particular purposes, and on prescribed conditions, its power must be unquestionable to make some reservations for similar purposes in behalf of the old States. Its power cannot be without limit as to the new States, and circumscribed and restricted as to the old. Its capacity to bestow benefits or dispense justice is not confined to the new States, but is co-extensive with the whole Union. It may grant to all, or it can grant to none. And this comprehensive equity is not only in conformity with the spirit of the cessions in the deeds from the ceding States, but is expressly enjoined by the terms of those deeds.

Such is the probable origin of the pretension which I have been tracing; and now let us examine its nature and foundation. The argument in behalf of the new States, is founded on the notion, that as the old States, upon coming out of the Revolutionary War, had or claimed a right to all the lands within their respective limits, and as the new States have been admitted into the Union on the same footing and condition in all respects with the old, therefore they are entitled to all the waste lands embraced within their boundaries. But the argument forgets that all the revolutionary States had not waste lands; that some had very little, and others none. It forgets that the right of the States to the waste lands

within their limits was controverted; and that it was insisted that, as they had been conquered in a common war, waged with common means, and attended with general sacrifices, the public lands should be held for the common benefit of all the States. It forgets that in consequence of this right asserted in behalf of the whole Union, the States that contained any large bodies of waste lands (and Virginia, particularly, that had the most) ceded them to the Union for the equal benefit of all the States. It forgets that the very equality, which is the basis of the argument, would be totally subverted by the admission of the validity of the pretension. For how would the matter then stand? The revolutionary States will have divested themselves of the large districts of vacant lands which they contained, for the common benefit of all the States; and those same lands will enure to the benefit of the new States exclusively. There will be, on the supposition of the validity of the pretension, a reversal of the condition of the two classes of States. Instead of the old having, as is alleged, the wild lands which they included at the epoch of the Revolution, they will have none, and the new States *all*. And this in the name and for the purpose of equality among all the members of the confederacy! What, especially, would be the situation of Virginia? She magnanimously ceded an empire in extent for the *common benefit*. And now it is proposed, not only to withdraw that empire from the object of its solemn dedication, to the use of all the States, but to deny her any participation in it, and appropriate it exclusively to the benefit of the new States carved out of it!

If the new States had any right to the public lands, in order to produce the very equality contended for, they ought forthwith to cede that right to the Union, for the common benefit of all the States. Having no such right, they ought to acquiesce cheerfully in an equality which does, in fact, now exist between them and the old States.

The Committee of Manufactures has clearly shown, that if the right were recognized in the new States now existing, to the public lands within their limits, each of the new States, as they might hereafter be successively admitted into the Union, would have the same right; and consequently that the pretension under examination embraces, in effect, the whole public domain, that is, a billion and eighty millions of acres of land.

The right of the Union to the public lands is incontestable. It ought not to be considered debatable. It never was questioned but by a few, whose monstrous heresy, it was probably supposed, would escape animadversion from the enormity of the absurdity, and the utter impracticability of the success of the claim. The right of the whole is sealed by the blood of the Revolution, founded upon solemn deeds of cession from sovereign States, deliberately executed in the face of the world, or resting upon national treaties concluded with foreign Powers, on ample equivalents contributed from the common treasury of the people of the United States.

This right of the whole was stamped upon the face of the new States at the very instant of their parturition. They admitted and recognized it with their

first breath. They hold their stations, as members of the Confederacy in virtue of that admission. The Senators who sit here, and the members in the House of Representatives from the new States, deliberate in Congress with other Senators and Representatives, under that admission. And, since the new States came into being, they have recognized this right of the General Government by innumerable acts:

By their concurrence in the passage of hundreds of laws respecting the public domain, founded upon the incontestable right of the whole of the States;

By repeated applications to extinguish Indian titles, and to survey the lands which they covered;

And by solicitation and acceptance of extensive grants from the General Government, of the public lands.

The existence of the new States is a falsehood, or the right of all the States to the public domain is an undeniable truth. They have no more right to the public lands, within their particular jurisdiction, than other States have to the mint, the forts and arsenals, or public ships within theirs, or than the people of the District of Columbia have to this magnificent Capitol, in whose splendid halls we now deliberate.

The equality contended for between all the States now exists. The public lands are now held, and ought to be held and administered, for the common benefit of all. I hope our fellow-citizens of Illinois, Indiana, and Missouri, will reconsider the matter; that they will cease to take counsel from demagogues who would deceive them, and instil erroneous principles into their ears; and that they will feel and ac-

knowledge that their brethren of Kentucky and of Ohio, and of all the States in the Union, have an equal right with the citizens of those three States in the public lands. If the possibility of an event so direful as a severance of this Union were for a moment contemplated, what would be the probable consequence of such an unspeakable calamity; if three confederacies were formed out of its fragments, do you imagine that the western confederacy would consent to the States including the public lands, holding them exclusively for themselves? Can you imagine that the States of Ohio, Kentucky, and Tennessee, would quietly renounce their right in all the public lands west of them? No, sir! No, sir! They would wade to their knees in blood before they would make such an unjust and ignominious surrender.

But this pretension, unjust to the old States, unequal as to all, would be injurious to the new States themselves, in whose behalf it has been put forth, if it were recognized. The interest of the new States is not confined to the lands within their limits, but extends to the whole billion and eighty millions of acres. Sanction the claims, however, and they are cut down and restricted to that which is included in their own boundaries. Is it not better for Ohio, instead of the five millions and a half for Indiana, instead of the fifteen millions—or even for Illinois, instead of the thirty-one or thirty-two millions—or Missouri, instead of the thirty-eight millions—within their respective limits, to retain their interest in those several quantities, and also retain their interest, in common with the other members of the Union, in the

countless millions of acres that lie west, or north-west, beyond them!

I will now proceed, Mr. President, to consider the expediency of a reduction of the price of the public lands, and the reasons assigned by the Land Committee, in their report, in favor of that measure. They are presented there in formidable detail, and spread out under seven different heads. Let us examine them: the first is, "because the new States have a clear right to participate in the benefits of a reduction of the revenue to the wants of the Government, *by getting the reduction extended to the article of revenue chiefly used by them.*" Here is a renewal of the attempt made early in the session to confound the public lands with foreign imports, which was so successfully exposed and refuted by the report of the Committee of Manufactures. Will not the new States participate in any reduction of the revenue, in common with the old States, without touching the public lands? As far as they are consumers of objects of foreign imports, will they not equally share the benefit with the old States? What right, over and above that equal participation, have the new States to a reduction of the price of the public lands? As *States*, what right, much less what "clear right," have they to any such reduction? In their sovereign or corporate capacities, what right? Have not all the stipulations between them, *as States*, and the General Government, been fully complied with? Have the people within the new States, considered distinct from the States themselves, any right to such reduction? Whence is it derived? They went there

in pursuit of their own happiness. They bought lands from the public because it was their interest to make the purchase, and they enjoy them. Did they, because they purchased some land, which they possess peacefully, acquire any, and what right, in the land which they did not buy? But it may be argued that, by settling and improving these lands, the adjacent public lands are enhanced in value. True; and so are their own. The enhanced value of the public lands was not a consequence which they went there to produce, but was a collateral effect, as to which they were passive. The public does not seek to avail itself of this augmentation in value, by augmenting the price. It leaves that where it was; and the demand for reduction is made in behalf of those who say their labor has increased the value of the public lands, and the claim to reduction is founded upon the fact of enhanced value! The public, like all other landholders, had a right to anticipate that the sale of a part would communicate, incidentally, greater value to the residue. And, like all other land proprietors, it has the right to ask more for that residue, but it does not; and for one, I should be as unwilling to disturb the existing price by augmentation as by reduction. But the public lands is the article of revenue which the people of the new States chiefly *consume*. In another part of this report liberal grants of the public lands are recommended, and the idea of holding the public lands as a source of revenue is scouted, because it is said that more revenue could be collected from the settlers as consumers, than from the lands. Here it seems that the public lands are

the articles of revenue chiefly consumed by the new States.

With respect to lands yet to be sold, they are open to the purchase alike of emigrants from the old States, and settlers in the new. As the latter have more generally supplied themselves with lands, the probability is, that the emigrants are more interested in the question of reduction than the settlers. At all events, there can be no peculiar right to such reduction existing in the new States. It is a question common to all, and to be decided with reference to the interest of the whole Union.

“2. Because, the public debt being now paid, the public lands are entirely released from the pledge they were under to that object, and are free to receive *a new and liberal destination, for the relief of the States in which they lie.*”

The payment of the public debt is conceded to be near at hand; and it is admitted that the public lands, being liberated, may now receive a new and liberal destination. Such an appropriation of their proceeds is proposed by the bill reported by the Committee of Manufactures, and which I shall hereafter call the attention of the Senate more particularly to. But it did not seem just to that committee, that this new and liberal destination of them should be restricted “for the relief of the States in which they lie” exclusively, but should extend to *all* the States indiscriminately, upon principles of equitable distribution.

“3. Because, nearly one hundred millions of acres of the land now in market are the refuse of sales and donations, through a long series of years, and are of

very little actual value, and only fit to be given to settlers, or abandoned to the States in which they lie."

According to an official statement, the total quantity of public land which has been surveyed up to the 31st of December last, was a little upward of one hundred and sixty-two millions of acres. Of this a large proportion — perhaps even more than the one hundred millions of acres stated in the land report — has been a long time in market. The entire quantity which has ever been sold by the United States, up to the same day, after deducting lands relinquished and lands reverted to the United States, according to an official statement also, is twenty-five millions, two hundred forty-two thousand, five hundred and ninety acres. Thus, after the lapse of thirty-six years, during which the present land system has been in operation, a little more than twenty-five millions of acres have been sold, not averaging a million per annum, and upward of one hundred millions of the surveyed lands remain to be sold. The argument of the report of the land committee assumes that "nearly one hundred millions are the refuse of sales and donations." are of very little actual value, and only fit to be given to settlers, or abandoned to the States in which they lie.

Mr. President, let us define as we go — let us analyze. What do the land committee mean by "refuse land"? Do they mean worthless, inferior, rejected land, which nobody will buy at the present government price? Let us look at facts, and make them our guide. The government is constantly pressed by the new States to bring more and more lands into the

market: to extinguish more Indian titles; to survey more. The new States themselves are probably urged to operate upon the General Government by immigrants and settlers, who see still before them, in their progress west, other new lands which they desire. The General Government yields to the solicitation. It throws more land into the market, and it is annually and daily preparing additional surveys of fresh lands. It has thrown, and is preparing to throw, open to purchasers already, one hundred and sixty-two millions of acres. And now, because the capacity to purchase, in its nature limited by the growth of our population, is totally incompetent to absorb this immense quantity, the Government is called upon, by some of the very persons who urged the exposition of this vast amount to sale, to consider all that remains unsold as refuse! Twenty-five millions in thirty-six years only are sold, and all the rest is to be looked upon as refuse. Is this right? If there had been five hundred millions in market, there probably would not have been more, or much more, sold. But I deny the correctness of the conclusion that it is worthless because not sold. It is not sold because there were not people to buy it. You must have gone to other countries, to other worlds, to the moon, and drawn thence people to buy the prodigious quantity which you offered to sell.

Refuse land! A purchaser goes to a district of country and buys out of a township a section which strikes his fancy. He exhausts his money. Others might have preferred other sections. Other sections may even be better than his. He can with no more

propriety be said to have "refused" or rejected all the other sections, than a man who, attracted by the beauty, charms, and accomplishments of a particular lady, marries her, can be said to have rejected or refused all the rest of the sex.

Is it credible that out of one hundred and fifty or one hundred and sixty millions of acres of land in a valley celebrated for its fertility, there are only about twenty-five millions of acres of good land, and that all the rest is refuse? Take the State of Illinois as an example. Of all the States in the Union, that State probably contains the greatest proportion of rich, fertile lands—more than Ohio, more than Indiana, abounding as they both do in fine lands. Of the thirty-three and a half millions of public lands in Illinois, a little more than two millions have been sold. Is the residue of thirty-one millions *all* refuse land? Who, that is acquainted in the West, can assert or believe it? No, sir; there is no such thing. The unsold lands are unsold because of the reasons already assigned. Doubtless there is much inferior land remaining, but a vast quantity of the best of lands also. For its timber, soil, water-power, grazing, minerals, almost all land possesses a certain value. If the lands unsold are refuse and worth less in the hands of the General Government, why are they sought after with so much avidity? If in our hands they are good for nothing, what more would they be worth in the hands of the new States? "Only fit to be given to settlers!" What settlers would thank you? what settlers would not scorn a gift of *refuse*,

worthless land? If you mean to be generous, give them what is valuable; be manly in your generosity.

But let us examine a little closer this idea of refuse land. If there be any State in which it is found in large quantities, that State would be Ohio. It is the oldest of the new States. There the public lands have remained longer exposed in the market. But there we find only five and a half millions to be sold. And I hold in my hand an account of sales in the Zanesville district, one of the oldest in that State, made during the present year. It is in a paper entitled the "Ohio Republican," published at Zanesville, the 26th May, 1832. The article is headed "Refuse Land," and it states:

"It has suited the interest of some to represent the lands of the United States which have remained in market for many years, as mere 'refuse' which cannot be sold; and to urge a rapid reduction of price, and the cession of the residue in a short period to the States in which they are situated. It is strongly urged against this plan that it is a speculating project, which, by alienating a large quantity of land from the United States, will cause a great increase of price to actual settlers in a few years—instead of their being able for ever, as it may be said in the case under the present system of land sales, to obtain a farm at a reasonable price. To show how far the lands unsold are from being worthless, we copy from the 'Gazette' the following statement of recent sales in the Zanesville district, one of the oldest districts in the West. The sales at the Zanesville land-office since the commencement of the present year have

been as follows: January, \$7.120 80; February, \$8,542 67; March, \$11,744 75; April, \$9,209 19; and since the first of the present month about \$9,000 worth have been sold, more than half of which were in forty-acre lots."

And there cannot be a doubt that the act passed at this season, authorizing sales of forty acres, will, from the desire to make additions to farms, and to settle young members of families, increase the sales very much, at least during this year.

A friend of mine in this city bought in Illinois, last fall, about two thousand acres of this refuse land, at the minimum price, for which he has lately refused six dollars per acre. An officer of this body, now in my eye, purchased a small tract of this same refuse land of one hundred and sixty acres, at second or third hand, entered a few years ago, and which is now estimated at nineteen hundred dollars. It is a business, a very profitable business, at which fortunes are made in the new States, to purchase these refuse lands, and, without improving them, to sell them at large advances.

Far from being discouraged by the fact of so much surveyed public land remaining unsold, we should rejoice that this bountiful resource, possessed by our country, remains in almost undiminished quantity, notwithstanding so many new and flourishing States have sprung up in the wilderness, and so many thousands of families have been accommodated. It might be otherwise if the public lands were dealt out by Government with a sparing, grudging, griping hand. But they are liberally offered, in exhaustless quanti-

ties, and at moderate prices, enriching individuals, and tending to the rapid improvement of the country. The two important facts brought forward and emphatically dwelt on by the Committee of Manufactures stand in their full force, unaffected by anything stated in the report of the Land Committee. These facts must carry conviction to every unbiased mind that will deliberately consider them. The first is, the rapid increase of the new States, far outstripping the old, averaging annually an increase of eight and a half per cent., and doubling, of course, in twelve years. One of these States, Illinois, full of refuse land, increasing at the rate of eighteen and a half per cent.! Would this astonishing growth take place if the lands were too high, or all the good land sold? The other fact is, the vast increase in the annual sales: in 1830, rising of three millions. Since the report of the Committee of Manufactures, the returns have come in of the sales of last year, which had been estimated at three millions. They were, in fact, \$3,566,127 94! Their progressive increase baffles all calculation. Would this happen if the price were too high?

It is argued that the value of different townships and sections is various, and that it is therefore wrong to fix the same price for all. The variety in the quality, situation, and advantages of different tracts, is no doubt great. After the adoption of any system of classification, there would still remain very great diversity in the tracts belonging to the same class. This is the law of nature. The presumption of inferiority, and of refuse land, founded upon the length

of time that the land has been in market, is denied, for reasons already stated. The offer, at public auction, of all lands to the highest bidder, previous to their being sold at private sale, provides in some degree for the variety in the value, since each purchaser pushes the land up to the price which, according to his opinion, it ought to command. But if the price demanded by Government is not too high for the good land (and no one can believe it), why not wait until that is sold before any reduction in the price of the bad? And that will not be sold for many years to come. It would be quite as wrong to bring the price of good land down to the standard of the bad, as it is alleged to be to carry the latter up to that of the former. Until the good land is sold there will be no purchasers of the bad; for, as has been stated in the report of the Committee of Manufactures, a discreet farmer would rather give a dollar and a quarter per acre for first-rate land than accept refuse and worthless land as a present.

“4. Because the speedy extinction of the *Federal* title within their limits is necessary to the *independence* of the *new States*, to their *equality* with the *elder States*; to the *development* of their resources; to the *subjection* of their soil to *taxation, cultivation, and settlement*, and to the *proper* enjoyment of their jurisdiction and sovereignty.”

All this is mere assertion and declamation. The General Government, at a moderate price, is selling the public land as fast as it can find purchasers. The new States are populating with unexampled rapidity; their condition is now much more eligible than that

of some of the old States. Ohio, I am sorry to be obliged to confess, is, in internal improvement and some other respects, fifty years in advance of her elder sister and neighbor, Kentucky. How have her growth and prosperity, her independence, her equality with the elder States, the development of her resources, the taxation, cultivation, and settlement of her soil, or the proper enjoyment of her jurisdiction and sovereignty, been affected or impaired by the Federal title within her limits? The Federal title? It has been a source of blessings and of bounties, but not one of real grievance. As to the exemption from taxation of the public lands, and the exemption for five years of those sold to individuals, if the public land belonged to the new States, would they tax it? And as to the latter exemption, it is paid for by the General Government, as may be seen by reference to the compacts; and it is, moreover, beneficial to the new States themselves, by holding out a motive to emigrants to purchase and settle within their limits.

“6. Because the ramified machinery of the land office department, and the ownership of so much soil, extends the patronage and authority of the General Government into the *heart* and *corners* of the new States, and subjects their *policy* to the danger of a *foreign* and *powerful* influence.”

A foreign and powerful influence! The Federal Government a foreign government! And the exercise of a legitimate control over the national property, for the benefit of the whole people of the United States, a deprecated penetration into the heart and corners of the new States! As to the calamity of the

land offices which are held within them, I believe that is not regarded by the people of those States with quite as much horror as it is by the land committee. They justly consider that they ought to hold those offices themselves, and that no persons ought to be sent from the other *foreign* States of this Union to fill them. And if the number of the offices were increased, it would not be looked upon by them as a grievous addition to the calamity.

But what do the land committee mean by the authority of this foreign, Federal Government? Surely they do not desire to get rid of the Federal Government. And yet the final settlement of the land question will have effected but little in expelling its authority from the bosoms of the new States. Its action will still remain in a thousand forms, and the *heart* and *corners* of the new States will still be invaded by post-offices and postmasters, and post-roads, and the Cumberland road, and various other modifications of its power.

“Because the sum of \$425,000,000 proposed to be drawn from the new States and Territories, by the sale of their soil, at \$1 25 per acre, is unconscionable and impracticable—such as never can be paid—and the bare attempt to raise which, must drain, exhaust, and impoverish these States, and give birth to the feelings which a sense of injustice and oppression never fail to excite, and the excitement of which should be so carefully avoided in a confederacy of free States.”

In another part of their report, the committee say, speaking of the immense revenue alleged to be de-

rivable from the public lands: "This ideal revenue is estimated at \$425,000,000 for the lands now within the limits of the States and Territories, and at \$1,362,589,691 for the whole Federal domain. Such *chimerical* calculations preclude the propriety of argumentative answers." Well, if these calculations are all chimerical, there is no danger, from the preservation of the existing land system, of draining, exhausting, and impoverishing the new States, and of exciting them to rebellion.

The Manufacturing Committee did not state what the public lands would, in fact, produce. They could not state it. It is hardly a subject of approximate estimate. The committee stated what would be the proceeds, estimated by the minimum price of the public lands; what, at one-half of that price; and added that, although there might be much land that would never sell at one dollar and a quarter per acre, "as fresh lands are brought into market and exposed to sale at auction, many of them sell at prices exceeding one dollar and a quarter per acre." They concluded by remarking that the least favorable view of regarding them was to consider them a capital yielding an annuity of three millions of dollars at this time; that in a few years that annuity would probably be doubled, and that the capital might then be assumed as equal to one hundred millions of dollars.

Whatever may be the sum drawn from the sales of the public lands, it will be contributed, not by citizens of the States alone in which they are situated, but by emigrants from all the States. And it will be raised, not in a single year, but in a long series of

years. It would have been impossible for the State of Ohio to have paid, in one year, the millions that have been raised in that State by the sale of public lands; but in a period of upward of thirty years the payment has been made, not only without impoverishing, but with constantly increasing prosperity to the State.

Such, Mr. President, are the reasons of the land committee for the reduction of the price of the public lands. Some of them had been anticipated and refuted in the report of the Manufacturing Committee; and I hope that I have now shown the insolidity of the residue.

I will not dwell upon the consideration urged in that report against any large reduction, founded upon its inevitable tendency to lessen the value of the landed property throughout the Union, and that in the Western States especially. That such would be the necessary consequence, no man can doubt who will seriously reflect upon such a measure as that of throwing into market, immediately, upward of one hundred and thirty millions of acres, and at no distant period upward of two hundred millions more, at greatly-reduced rates.

If the honorable Chairman of the Land Committee (Mr. King) had relied upon his own sound practical sense, he would have presented a report far less objectionable than that which he has made. He has availed himself of another's aid, and the hand of the Senator from Missouri (Mr. Benton) is as visible in the composition as if his name had been subscribed to the instrument. We hear, again, in this paper, of

that which we have so often heard repeated before in debate by the Senator from Missouri—the sentiments of Edmund Burke. And what was the state of things in England to which these sentiments were applied?

England has too little land and too many people. America has too much land, for the present population of the country, and wants people. The British Crown had owned, for many generations, large bodies of land, preserved for game and forest, from which but small revenues were derived. It was proposed to sell out the Crown lands, that they might be peopled and cultivated, and that the royal family should be placed on the civil list. Mr. Burke supported the proposition by convincing arguments. But what analogy is there between the Crown lands of the British sovereign and the public lands of the United States? Are they here locked up from the people, and, for the sake of their game or timber, excluded from sale? Are not they freely exposed in market, to all who want them, at moderate prices? The complaint is that they are not sold fast enough—in other words, that people are not multiplied rapidly enough to buy them. Patience, gentlemen of the Land Committee, patience! The new States are daily rising in power and importance. Some of them are already great and flourishing members of the Confederacy. And, if you will only acquiesce in the certain and quiet operation of the laws of God and man, the wilderness will quickly teem with people, and be filled with the monuments of civilization.

The report of the Land Committee proceeds to notice, and to animadvert upon, certain opinions of a late Secretary of the Treasury, contained in his annual report, and endeavors to connect them with some sentiments expressed in the report of the Committee of Manufactures. That report has before been the subject of repeated commentary in the Senate, by the Senator from Missouri, and of much misrepresentation and vituperation in the public press. Mr. Rush showed me the rough draught of that report, and I advised him to expunge the paragraphs in question, because I foresaw that they would be misrepresented, and that he would be exposed to unjust accusations. But, knowing the purity of his intentions, believing in the soundness of the views which he presented, and confiding in the candor of a just public, he resolved to retain the paragraphs. I cannot suppose the Senator from Missouri ignorant of what passed between Mr. Rush and me, and of his having, against my suggestions, retained the paragraphs in question, because these facts were all stated by Mr. Rush himself, in a letter addressed to a late member of the House of Representatives, representing the district in which I reside, which letter, more than a year ago, was published in the Western papers.

I shall say nothing in defence of myself—nothing to disprove the charge of my cherishing unfriendly feelings and sentiments toward any part of the West. If the public acts in which I have participated, if the uniform tenor of my whole life, will not refute such

an imputation, nothing that I could here say would refute it.

But I *will* say something in defence of the opinions of my late patriotic and enlightened colleague, not here to speak for himself; and I will vindicate his official opinions from the erroneous glosses and interpretations which have been put upon them.

Mr. Rush, in an official report which will long remain a monument of his ability, was surveying, with a statesman's eye, the condition of America. He was arguing in favor of the Protective Policy—the American System. He spoke of the limited vocations of our society, and the expediency of multiplying the means of increasing subsistence, comfort, and wealth. He noticed the great and the constant tendency of our fellow-citizens to the cultivation of the soil, the want of a market for their surplus produce, the inexpediency of all blindly rushing to the same universal employment, and the policy of dividing ourselves into various pursuits. He says:

“The manner in which the remote lands of the United States are selling and settling, while it possibly may tend to increase more quickly the aggregate population of the country, and the mere means of subsistence, does not increase capital in the same proportion. . . . Anything that may serve to hold back this tendency to diffusion from running *too far and too long into an extreme*, can scarcely prove otherwise than salutary. . . . If the population of these (a majority of the States, including some Western States), not yet redundant in fact, though appearing to be so, under this legislative incitement to emi-

grate, remain fixed in more instances, as it probably would be by extending the *motives* to manufacturing labor, it is believed that the nation would gain in two ways: first, by the more rapid accumulation of capital; and next, by the gradual reduction of the *excess* of its agricultural population over that engaged in other vocations. It is not imagined that it ever would be practicable, even if it were desirable, to *turn* this *stream* of emigration aside; but resources, opened through the influence of the laws, in new fields of industry, to the inhabitants of the States already sufficiently peopled to enter upon them, might operate to lessen in some degree, and usefully lessen, its absorbing force."

Now, Mr. President, what is there in this view adverse to the West, or unfavorable to its interests? Mr. Rush is arguing on the tendency of the people to engage in agriculture, and the incitement to emigration produced by our laws. Does he propose to change those laws in that particular? Does he propose any new measure? So far from suggesting any alteration of the conditions on which the public lands are sold, he expressly says that it is not desirable, if it were practicable, to turn this stream of emigration aside. Leaving all the laws in full force, and all the motives to emigration, arising from fertile and cheap lands, untouched, he recommends the encouragement of a new branch of business, in which all the Union, the West as well as the rest, is interested; thus presenting an option to population to engage in manufactures or in agriculture, at its own discretion. And does such an option afford just ground of complaint

to any one? Is it not an advantage to all? Do the Land Committee desire (I am sure they do not) to create starvation in one part of the Union, that emigrants may be forced into another? If they do not, they ought not to condemn a multiplication of human employments, by which, as its certain consequence, there will be an increase in the means of subsistence and comfort. The objection to Mr. Rush, then, is, that he looked at his *whole* country, and at all parts of it; and that, while he desired the prosperity and growth of the West to advance undisturbed, he wished to build up, on deep foundations, the welfare of all the people.

Mr. Rush knew that there were thousands of the poorer classes who never would emigrate; and that emigration, under the best auspices, was far from being unattended with evil. There are moral, physical, pecuniary obstacles to all emigration; and these will increase as the good vacant lands of the West are removed, by intervening settlements, further and further from society, as it is now located. It is, I believe, Dr. Johnson, who pronounces that of all vegetable and animal creation, man is the most difficult to be uprooted and transferred to a distant country; and he was right. Space itself, mountains, and seas, and rivers, are impediments. The want of pecuniary means—the expenses of the outfit, subsistence, and transportation of a family—is no slight circumstance. When all these difficulties are overcome (and how few, comparatively, can surmount them!) the greatest of all remains—that of being torn from one's natal spot, separated forever from the roof under

which the companions of his childhood were sheltered, from the trees which have shaded him from summer's heats, the spring from whose gushing fountain he drank in his youth, the tombs that hold the precious relic of his venerated ancestors!

But I have said that the Land Committee had attempted to confound the sentiments of Mr. Rush with some of the reasoning employed by the Committee of Manufactures against the proposed reduction of the price of the public lands. What is that reasoning? Here it is; it will speak for itself, and, without a single comment, will demonstrate how different it is from that of the late Secretary of the Treasury, unexceptionable as that has been shown to be.

"The greatest emigration," says the Manufacturing Committee, "that is believed now to take place from any of the States, is from Ohio, Kentucky, and Tennessee. The effects of a material reduction in the price of the public lands would be—1st, to lessen the value of real estate in those three States; 2d, to diminish their interest in the public domain as a common fund for the benefit of all the States; and, 3d, to offer what would operate as a bounty to further emigration from those States, occasioning more and more lands, situated within them, to be thrown into the market, thereby not only lessening the value of their lands, but draining them of both their population and labor."

There are good men in different parts, but especially in the Atlantic portion of the Union, who have been induced to regard lightly this vast national property ;

who have been persuaded that the people of the West are dissatisfied with the administration of it; and who believe that it will, in the end, be lost to the nation, and that it is not worth present care and preservation. But these are radical mistakes. The great body of the West are satisfied, perfectly satisfied, with the general administration of the public lands. They would indeed like, and are entitled to, a more liberal expenditure among them of the proceeds of the sales. For this, provision is made by the bill to which I will hereafter call the attention of the Senate. But the great body of the West have not called for, and understand too well their real interest to desire, any essential change in the system of survey, sale, or price of the lands. There may be a few, stimulated by demagogues, who desire change; and what system is there, what government, what order of human society, that a few do not desire to change?

It is one of the admirable properties of the existing system, that it contains within itself and carries along principles of conservation and safety. In the progress of its operation, new States become identified with the old, in feeling, in thinking, and in interest. Now, Ohio is as sound as any old State in the Union in all her views relating to the public lands. She feels that her share in the exterior domain is much more important than would be an exclusive right to the few millions of acres left unsold within the limits, accompanied by a virtual surrender of her interest in all the other public lands of the United States. And I have no doubt that now the people of the other new States, left to their own unbiased sense of equity and

justice, would form the same judgment. They can not believe that what they have not bought, what remains the property of themselves and all their brethren of the United States in common, belongs to them exclusively. But if I am mistaken — if they have been deceived by erroneous impressions on their mind, made by artful men — as the sales proceed, and the land is exhausted, and their population increased, like the State of Ohio, they will feel that their true interest points to their remaining copartners in the whole national domain, instead of bringing forward an unfounded pretension to the inconsiderable remnant which will then be left within their own limits.

And now, Mr. President. I have to say something in respect to the particular plan brought forward by the Committee of Manufactures for a temporary appropriation of the proceeds of the sales of the public lands.

The Committee say that this fund is not wanted by the General Government; that the peace of the country is not likely, from present appearances, to be speedily disturbed; and that the General Government is absolutely embarrassed in providing against an enormous surplus in the treasury. While this is the condition of the Federal Government, the States are in want of, and can most beneficially use, that very surplus with which we do not know what to do. The powers of the General Government are limited; those of the States are ample. If those limited powers authorized an application of the fund to some objects, perhaps there are some others, of more importance, to which the powers of the States would be more

competent, or to which they may apply a more provident care.

But the government of the whole and of the parts at last is but one government of the same people. In form they are two, in substance one. They both stand under the same solemn obligation to promote, by all the powers with which they are respectively intrusted, the happiness of the people; and the people, in their turn, owe respect and allegiance to both. Maintaining these relations, there should be mutual assistance to each other afforded by those two systems. When the States are full-handed, and the coffers of the General Government are empty, the States should come to the relief of the General Government, as many of them did, most promptly and patriotically, during the late war. When the conditions of the parties are reversed, as is now the case—the States wanting what is almost a burden to the General Government—the duty of this Government is to go to the relief of the States.

They were views like these which induced a majority of the Committee to propose the plan of distribution contained in the bill now under consideration. For one, however, I will again repeat the declaration, which I made early in the session, that I unite cordially with those who condemn the application of any principle of distribution among the several States, to surplus revenue derived from taxation. I think income derived from taxation stands upon ground totally distinct from that which is received from the public lands. Congress can prevent the accumulation, at least for any considerable time, of revenue

from duties, by suitable legislation, lowering or augmenting the imposts; but it cannot stop the sales of the public lands without the exercise of arbitrary and intolerable power. The powers of Congress over the public lands are broader and more comprehensive than those which they possess over taxation and the money produced by it.

This brings me to consider — first, the power of Congress to make the distribution. By the second part of the third section of the fourth article of the Constitution, Congress “have power to *dispose of* and make all needful rules and regulations respecting the territory or other property of the United States.” The power of disposition is plenary, unrestrained, unqualified. It is not limited to a specified object or to a defined purpose, but left applicable to any object or purpose which the wisdom of Congress shall deem fit, acting under its high responsibility.

The Government purchased Louisiana and Florida. May it not apply the proceeds of lands within those countries to any object which the good of the Union may seem to indicate. If there be a restraint in the Constitution, where is it — what is it?

The uniform practice of the Government has conformed to the idea of its possessing full powers over the public lands. They have been freely granted, from time to time, to communities and individuals, for a great variety of purposes: to States for education, internal improvements, public buildings; to corporations for education; to the deaf and dumb; to the cultivators of the olive and the vine; to pre-emptioners; to General Lafayette, &c.

The deeds from the ceding States, far from opposing, fully warrant the distribution. That of Virginia ceded the land as "a common fund for the use and benefit of *such* of the United States as have become, or shall become, members of the Confederation or Federal alliance of the said States, Virginia inclusive." The cession was for the benefit of all the States. It may be argued that the fund must be retained in the common treasury, and thence paid out. But, by the bill reported, it will come into the common treasury, and then the question how it shall be subsequently applied for the use and benefit of *such* of the United States as compose the Confederacy, is one of modus only. Whether the money is disbursed by the General Government directly, or is paid out upon some equal and just principle to the States, to be disbursed by them, cannot affect the right of distribution. If the General Government retained the power of ultimate disbursement, it could execute it only by suitable agents; and what agency is more suitable than that of the States themselves? If the States expend the money, as the bill contemplates, the expenditure will, in effect, be a disbursement for the benefit of the whole, although the several States are organs of the expenditure; for the whole and all the parts are identical. And whatever redounds to the benefit of all the parts, necessarily contributes in the same measure to the benefit of the whole. The great question should be, "Is the distribution upon equal and just principles?" And this brings me to consider:

Second. The terms of the distribution proposed by

the bill of the Committee of Manufactures. The bill proposes a division of the net proceeds of the sales of the public lands among the several States composing the Union, according to their Federal representative population, as ascertained by the last census; and it provides for new States that may hereafter be admitted into the Union. The basis of the distribution, therefore, is derived from the Constitution itself, which has adopted the same rule in respect to representation and direct taxes. None could be more just and equitable.

But it has been contended, in the land report, that the Revolutionary States which did not cede their public lands ought not to be allowed to come into the distribution. This objection does not apply to the purchases of Louisiana and Florida, because the consideration for them was paid out of the common treasury, and was consequently contributed by all the States. Nor has the objection any just foundation when applied to the public lands derived from Virginia and the other ceding States; because, by the terms of the deeds, the cessions were made for the use and benefit of all the States. The ceding States having made no exception of any State, what right has the General Government to interpolate in the deeds, and now create an exception? The General Government is a mere trustee, holding the domain in virtue of those deeds, according to the terms and conditions which they expressly describe; and it is bound to execute the trust accordingly. But how is the fund produced by the public lands now expended? It comes into the common treasury, and is

disbursed for the common benefit, without exception of any State. The bill only proposes to substitute to that object, now no longer necessary, another and more useful common object. The general application of the fund will continue, under the operation of the bill, although the particular purposes may be varied.

The equity of the proposed distribution, as it respects the two classes of States, the old and the new, must be manifest to the Senate. It proposes to assign to the new States, besides the five per cent. stipulated for in their several compacts with the General Government, the further sum of ten per cent. upon the net proceeds. Assuming the proceeds of the last year, amounting to \$3,566,127 94, as the basis of the calculation, I hold in my hand a paper which shows the sum that each of the seven new States would receive. They have complained of the exemption from taxation of the public lands sold by the General Government for five years after the sale. If that exemption did not exist, and they were to exercise the power of taxing those lands, as the average increase of their population is only eight and a half per cent. per annum, the additional revenue which they would save would be only eight and a half per cent. per annum; that is to say, a State now collecting a revenue of \$100,000 per annum, would collect only \$108,500 if it were to tax the lands recently sold. But, by the bill under consideration, each of the seven new States will annually receive, as its distributive share, more than the whole amount of its annual revenue.

It may be thought that to set apart ten per cent. to the new States, in the first instance, is too great a proportion, and is unjust toward the old States. But it will be recollected that, as they populate much faster than the old States, and as the last census is to govern in the apportionment, they ought to receive more than the old States. If they receive too much at the commencement of the term, it may be neutralized by the end of it.

After the deduction shall have been made of the fifteen per cent. allotted to the new States, the residue is to be divided among the twenty-four States, old and new, composing the Union. What each of the States would receive, is shown by a table annexed to the report. Taking the proceeds of the last year as the standard, there must be added one-sixth to what is set down in that table as the proportion of the several States.

If the power and the principle of the proposed distribution be satisfactory to the Senate, I think the objects cannot fail to be equally so. They are Education, Internal Improvements, and Colonization—all great and beneficent objects—all national in their nature. No mind can be cultivated and improved, no work of internal improvement can be executed in any part of the Union, nor any person of color transported from any of its ports, in which the whole Union is not interested. The prosperity of the whole is an aggregate of the prosperity of the parts.

The States, each judging for itself, will select, among the objects enumerated in the bill, that which

comports best with its own policy. There is no compulsion in the choice. Some will prefer, perhaps, to apply the fund to the extinction of debt, now burdensome, created for Internal Improvement; some to new objects of Internal Improvement; others to Education; and others, again, to Colonization. It may be supposed possible that the States will divert the fund from the specified purposes; but against such a misapplication we have, in the first place, the security which arises out of their presumed good faith; and, in the second, the power to withhold subsequent, if there has been any abuse in previous appropriations.

It has been argued that the General Government has no power in respect to Colonization. Waiving that, as not being a question at this time, the real inquiry is, "Have the States themselves any such power?"—for it is to the States that the subject is referred. The evil of a free black population is not restricted to particular States, but extends to and is felt by all. It is not, therefore, the slave question, but totally distinct from and unconnected with it. I have heretofore often expressed my perfect conviction that the General Government has no constitutional power which it can exercise in regard to African slavery. That conviction remains unchanged. The States in which slavery is tolerated have exclusively in their own hands the entire regulation of the subject. But the slave States differ in opinion as to the expediency of African colonization. Several of them have signified their approbation of it. The Legislature of Kentucky, I believe unanimously, recom-

mended the encouragement of Colonization to Congress.

Should a war break out during the term of five years that the operation of the bill is limited to, the fund is to be withdrawn and applied to the vigorous prosecution of the war. If there be no war, Congress, at the end of the term, will be able to ascertain whether the money has been beneficially expended, and to judge of the propriety of continuing the distribution.

Three reports have been made, on this great subject of the public lands, during the present session of Congress. besides that of the Secretary of the Treasury at its commencement—two in the Senate and one in the House. All three of them agree—1st, in the preservation of the control of the General Government over the public lands; and, 2d, they concur in rejecting the plan of a cession of the public lands to the States in which they are situated, recommended by the Secretary. The land committee of the Senate propose an assignment of fifteen per cent. of the net proceeds, besides the five per cent. stipulated in the compacts (making together twenty per cent.), to the new States, and *nothing to the old*.

The Committee of Manufactures of the Senate, after an allotment of an additional sum of ten per cent. to the new States, propose an equal distribution of the residue among all the States, old and new, upon equitable principles.

The Senate's land committee, besides the proposal of a distribution, restricted to the new States, recom-

mends an immediate reduction of the price of "fresh lands" to a minimum of one dollar per acre, and to fifty cents per acre for lands which have been five years or upward in market.

The land committee of the House is opposed to all distribution, general or partial, and recommends a reduction of the price to one dollar per acre.

And now, Mr. President, I have a few more words to say, and shall be done. We are admonished by all our reflections, and by existing signs, of the duty of communicating strength and energy to the glorious Union which now encircles our favored country. Among the ties which bind us together, the public domain merits high consideration. And if we distribute, for a limited time, the proceeds of that great resource among the several States, for the important objects which have been enumerated, a new and powerful bond of affection and of interest will be added. The States will feel and recognize the operation of the General Government, not merely in power and burdens, but in benefactions and blessings. And the General Government in its turn will feel, from the expenditure of the money which it dispenses to the States, the benefits of moral and intellectual improvement of the people, of greater facility in social and commercial intercourse, and of the purification of the population of our country, themselves the best parental sources of national character, national union, and national greatness. Whatever may be the fate of the particular proposition now under consideration, I sincerely hope that the attention of

the nation may be attracted to this most interesting subject; that it may justly appreciate the value of this immense national property; and that, preserving the regulation of it by the will of the whole, for the advantage of the whole, it may be transmitted, as a sacred and inestimable succession, to posterity, for its benefit and blessing for ages to come.

IV.

ON AFRICAN COLONIZATION.

Delivered in the House of Representatives, Jan. 20, 1827.

BEFORE THE AMERICAN COLONIZATION SOCIETY.

I CANNOT withhold the expression of my congratulations to the Society on account of the very valuable acquisition which we have obtained in the eloquent gentleman from Boston (Mr. Knapp), who has just favored us with an address. He has told us of his original impressions, unfavorable to the object of the Society, and of his subsequent conversion. If the same industry, investigation, and unbiased judgment, which he and another gentleman (Mr. Powell), who avowed at the last meeting of the Society a similar change wrought in his mind, were carried by the public at large into the consideration of the plan of the Society, the conviction of its utility would be universal.

I have risen to submit a resolution, in behalf of which I would bespeak the favor of the Society. But before I offer any observations in its support, I must say that, whatever part I may take in the proceedings of this Society, whatever opinions or sentiments I may utter, they are exclusively my own. Whether they are worth anything or not, no one but myself is at all responsible for them. I have consulted with no person out of this Society; and I have especially

abstained from all communication or consultation with any one to whom I stand in any official relation. My judgment on the object of this Society has been long since deliberately formed. The conclusions to which, after much and anxious consideration, my mind has been brought, have been neither produced nor refuted by the official station, the duties of which have been confided to me.

From the origin of this Society, every member of it has, I believe, looked forward to the arrival of a period when it would be necessary to invoke the public aid in the execution of the great scheme which it was instituted to promote. Considering itself as the mere pioneer in the cause which it had undertaken, it was well aware that it could do no more than remove preliminary difficulties, and point out a sure road to ultimate success; and that the public only could supply that regular, steady, and efficient support, to which the gratuitous means of benevolent individuals would be found incompetent. My surprise has been that the Society has been able so long to sustain itself, and to do so much upon the charitable contributions of good, and pious, and enlightened men, whom it has happily found in all parts of our country. But our work has so prospered and grown under our hands, that the appeal to the power and resources of the public should be no longer deferred. The resolution which I have risen to propose contemplates this appeal. It is in the following words:

“*Resolved*, That the board of managers be empowered and directed, at such time or times as may

seem to them expedient, to make respectful application to the Congress of the United States, and to the Legislatures of the different States, for such pecuniary aid, in furtherance of the object of this Society, as they may respectively be pleased to grant."

In soliciting the countenance and support of the Legislatures of the Union and the States, it is incumbent on the Society, in making out its case, to show: first, that it offers to their consideration a scheme which is practicable; and, second, that the execution of a practicable scheme, partial or entire, will be fraught with such beneficial consequences as to merit the support which is solicited. I believe both points to be maintainable. First: it is now little upward of ten years since a religious, amiable, and benevolent resident of this city first conceived the idea of planting a colony, from the United States, of free people of color, on the western shores of Africa. He is no more; and the noblest eulogy which could be pronounced on him would be to inscribe on his tomb the merited epitaph: "Here lies the projector of the American Colonization Society." Among others to whom he communicated the project, was the person who now has the honor of addressing you. My first impressions, like those of all who have not fully investigated the subject, were against it. They yielded to his earnest persuasions and my own reflections, and I finally agreed with him that the experiment was worthy of a fair trial. A meeting of its friends was called, organized as a deliberative body, and a Constitution was formed. The Society went into operation. He lived to see the most encouraging pro-

gress in its exertions, and died in full confidence of its complete success. The Society was scarcely formed before it was exposed to the derision of the unthinking; pronounced to be visionary and chimerical by those who were capable of adopting wiser opinions; and the most confident predictions of its entire failure were put forth. It found itself equally assailed by the two extremes of public sentiment in regard to our African population. According to one (that rash class which, without a due estimate of the fatal consequence, would forthwith issue a decree of general, immediate, and indiscriminate emancipation), it was a scheme of the slaveholder to perpetuate slavery. The other (that class which believes slavery a blessing, and which trembles with aspen sensibility at the appearance of the most distant and ideal danger to the tenure by which that description of property is held) declared it a contrivance to let loose on society all the slaves of the country, ignorant, uneducated, and incapable of appreciating the value or enjoying the privileges of freedom. The Society saw itself surrounded by every sort of embarrassment. What great human enterprise was ever undertaken without difficulty? What ever failed, within the compass of human power, when pursued with perseverance and blessed by the smiles of Providence? The Society prosecuted undismayed its great work, appealing for succor to the moderate, the reasonable, the virtuous, and religious portions of the public. It protested from the commencement, and throughout all its progress, and it now protests, that it entertains no purpose, on its own authority or by its own means, to

attempt emancipation, partial or general; that it knows the General Government has no constitutional power to achieve such an object; that it believes that the States, and the States only, which tolerate slavery, can accomplish the work of emancipation; and that it ought to be left to them, exclusively, absolutely, and voluntarily, to decide the question.

The object of the Society was the colonization of the free colored people, not the slaves, of the country. Voluntary in its institution, voluntary in its continuance, voluntary in all its ramifications, all its means, purposes, and instruments, are also voluntary. But it was said that no free colored persons could be prevailed upon to abandon the comforts of civilized life, and expose themselves to all the perils of a settlement in a distant, inhospitable, and savage country; that, if they could be induced to go on such a Quixotic expedition, no territory could be procured for their establishment as a colony; that the plan was altogether incompetent to effect its professed object; and that it ought to be rejected as the idle dream of visionary enthusiasts. The Society has outlived, thank God, all these disastrous predictions. It has survived to swell the list of false prophets. It is no longer a question of speculation whether a colony can or cannot be planted, from the United States, of free persons of color on the shores of Africa. It is a matter demonstrated; such a colony, in fact, exists, prospers, has made successful war and honorable peace, and transacts all the multiplied business of a civilized and Christian community. It now has about five hundred souls, disciplined troops, forts, and other

means of defence, sovereignty over an extensive territory, and exerts a powerful and salutary influence over the neighboring clans.

Numbers of the free African race among us are willing to go to Africa. The Society has never experienced any difficulty on that subject, except that its means of comfortable transportation have been inadequate to accommodate all who have been anxious to migrate. Why should they not go? Here they are in the lowest state of social gradation — aliens — political — moral — social aliens, strangers, though natives. There, they would be in the midst of their friends and their kindred, at home, though born in a foreign land, and elevated above the natives of the country, as much as they are degraded here below the other classes of the community. But on this matter, I am happy to have it in my power to furnish indisputable evidence from the most authentic source, that of large numbers of free persons of color themselves. Numerous meetings have been held in several churches in Baltimore, of the free people of color, in which, after being organized as deliberative assemblies, by the appointment of a chairman (if not of the same complexion) presiding as you, Mr. Vice-President, do, and secretaries, they have voted memorials addressed to the white people, in which they have argued the question with an ability, moderation, and temper, surpassing anything I can command, and emphatically recommended the colony of Liberia to favorable consideration, as the most desirable and practicable scheme ever yet presented on this interesting subject.

I ask permission of the Society to read a portion of this highly creditable document:

“The system of government established with the full consent of the colonists, in the autumn of 1824, and which the managers had the happiness to represent in their last report, as having thus far fulfilled all the purposes of its institution, has continued its operations during the year without the least irregularity, and with undiminished success. The republican principle is introduced as far as is consistent with the youthful and unformed character of the settlement, and in the election of their officers the colonists have evinced such integrity and judgment, as afford promise of early preparation for all the duties of self-government. ‘The civil prerogatives and government of the colony, and the body of the laws by which they are sustained,’ says the colonial agent, ‘are the pride of all. I am happy in the persuasion I have, that I hold the balance of the laws, in the midst of a people, with whom the first perceptible inclination of the sacred scale determines authoritatively their sentiments and their conduct. There are individual exceptions, but these remarks extend to the body of the settlers.’

“The moral and religious character of the colony exerts a powerful influence on its social and civil condition. That piety which had guided most of the early emigrants to Liberia, even before they left this country, to respectability and usefulness among their associates, prepared them, in laying the foundation of a colony, to act with a degree of wisdom and energy which no earthly motives could inspire. Humble,

and for the most part unlettered men ; born and bred in circumstances the most unfavorable to mental culture ; unsustained by the hope of renown, and unfamiliar with the history of great achievements and heroic virtues, theirs was, nevertheless, a spirit unmoved by dangers or by sufferings, which misfortunes could not darken, nor death dismay. They left America, and felt that it was forever : they landed in Africa, possibly to find a home, but certainly a grave. Strange would it have been had the religion of every individual of these early settlers proved genuine ; but immensely changed as have been their circumstances, and severely tried their faith, most have preserved untarnished the honors of their profession, and to the purity of their morals, and the consistency of their conduct, is, in a great measure, to be attributed the social order and general prosperity of the colony of Liberia."

In respect to the alleged incompetency of the scheme to accomplish its professed object, the Society asks that the object should be taken to be, not what the imaginations of its enemies represent it to be, but what it really proposes. They represent that the purpose of the Society is to export the whole African population of the United States, bond and free ; and they pronounce this design to be unattainable. They declare that the means of the whole country are insufficient to effect the transportation to Africa of a mass of population approximating to two millions of souls. Agreed ; but that is not what the Society contemplates. They have substituted their own notion for that of the Society. What is the true nature

of the evil of the existence of a portion of the African race in our population? It is not that there are *some*, but that there are so *many* among us of a different caste, of a different physical, if not moral, constitution, who never can amalgamate with the great body of our population. In every country, persons are to be found varying in their color, origin, and character, from the native mass. But this anomaly creates no inquietude or apprehension, because the exotics, from the smallness of their number, are known to be utterly incapable of disturbing the general tranquillity. Here, on the contrary, the African part of our population bears so large a proportion to the residue, of European origin, as to create the most lively apprehension, especially in some quarters of the Union. Any project, therefore, by which, in a material degree, the dangerous element in the general mass can be diminished or rendered stationary, deserves deliberate consideration.

The Colonization Society has never imagined it to be practicable, or within the reach of any means which the several Governments of the Union could bring to bear on the subject, to transport the whole of the African race within the limits of the United States. Nor is that necessary to accomplish the desirable object of domestic tranquillity, and render us one homogeneous people. The population of the United States has been supposed to duplicate in periods of twenty-five years. That may have been the case heretofore, but the terms of duplication will be more and more protracted as we advance in national age; and I do not believe that it will be found, in

any period to come, that our numbers will be doubled in a less term than one of about thirty-three and a third years. I have not time to enter now into details in support of this opinion. They would consist of those checks which experience has shown to obstruct the progress of population, arising out of its actual augmentation and density, the settlement of waste lands, etc. Assuming the period of thirty-three and a third, or any other number of years, to be that in which our population will hereafter be doubled, if during that whole term the capital of the African stock could be kept down, or stationary, while that of European origin should be left to an unobstructed increase, the result, at the end of the term, would be most propitious. Let us suppose, for example, that the whole population at present of the United States is twelve millions, of which ten may be estimated of the Anglo-Saxon, and two of the African race. If there could be annually transported from the United States an amount of the African portion equal to the annual increase of the whole of that caste, while the European race should be left to multiply, we should find, at the termination of the period of duplication, whatever it may be, that the relative proportions would be as twenty to two. And if the process were continued, during a second term of duplication, the proportion would be as forty to two—one which would eradicate every cause of alarm or solicitude from the breasts of the most timid. But the transportation of Africans, by creating, to the extent to which it might be carried, a vacuum in society, would tend to accelerate the duplication of the European

race, who, by all the laws of population, would fill up the void space.

This Society is well aware, I repeat, that they cannot touch the subject of slavery. But it is no objection to their scheme, limited as it is exclusively to those free people of color who are willing to migrate, that it admits of indefinite extension and application, by those who alone, having the competent authority, may choose to adopt and apply it. Our object has been to point out the way, to show that colonization is practicable, and to leave it to those States or individuals who may be pleased to engage in the object, to prosecute it. We have demonstrated that a colony may be planted in Africa, by the fact that an American colony there exists. The problem which has so long and so deeply interested the thoughts of good and patriotic men is solved. A country and a home have been found, to which the African race may be sent, to the promotion of their happiness and our own.

But, Mr. President, I shall not rest contented with the fact of the establishment of the colony, conclusive as it ought to be deemed, of the practicability of our purpose. I shall proceed to show, by reference to indisputable statistical details and calculations, that it is within the compass of reasonable human means. I am sensible of the tediousness of all arithmetical data, but I will endeavor to simplify them as much as possible. It will be borne in mind that the Society is to establish in Africa a colony of the free African population of the United States, to an extent which shall be beneficial both to Africa

and America. The whole free colored population of the United States amounted, in 1790, to fifty-nine thousand four hundred and eighty-one; in 1800, to one hundred and ten thousand and seventy-two; in 1810, to one hundred and eighty-six thousand four hundred and forty-six; and in 1820, to two hundred and thirty-three thousand five hundred and thirty. The ratio of annual increase during the first term of ten years was about eight and a half per cent. per annum; during the second about seven per cent. per annum; and during the third, a little more than two and a half. The very great difference in the rate of annual increase, during those several terms, may probably be accounted for by the effect of the number of voluntary emancipations operating with more influence upon the total smaller amount of free colored persons at the first of those periods, and by the facts of the insurrection in St. Domingo, and the acquisition of Louisiana, both of which, occurring during the first and second terms, added considerably to the number of our free colored population.

Of all descriptions of our population, that of the free colored, taken in the aggregate, is the least prolific, because of the checks arising from vice and want. During the ten years between 1810 and 1820, when no extraneous causes existed to prevent a fair competition in the increase between the slave and the free African race, the former increased at the rate of nearly three per cent. per annum, while the latter did not much exceed two and a half. Hereafter it may be safely assumed, and I venture to predict will not

be contradicted by the return of the next census, that the increase of the free black population will not surpass two and a half per cent. per annum. Their amount at the last census being two hundred and thirty-three thousand five hundred and thirty, for the sake of round numbers, their annual increase may be assumed to be six thousand at the present time. Now, if this number could be annually transported from the United States during a term of years, it is evident that, at the end of that term, the parent capital will not have increased, but will have been kept down, at least to what it was at the commencement of the term. Is it practicable, then, to colonize annually six thousand persons from the United States, without materially impairing or affecting any of the great interests of the United States? This is the question presented to the judgments of the legislative authorities of our country. This is the whole scheme of the Society. From its actual experience, derived from the expenses which have been incurred in transporting the persons already sent to Africa, the entire average expense of each colonist, young and old, including passage-money and subsistence, may be stated at twenty dollars per head. There is reason to believe that it may be reduced considerably below that sum. Estimating that to be the expense, the total cost of transporting six thousand souls annually to Africa would be one hundred and twenty thousand dollars. The tonnage requisite to effect the object, calculating two persons to every five tons (which is the provision of existing law), would be fifteen thousand tons. But, as each vessel could probably make two voyages in

the year, it may be reduced to seven thousand five hundred. And as both our mercantile and military marine might be occasionally employed on this collateral service, without injury to the main object of the voyage, a further abatement may be safely made in the aggregate amount of the necessary tonnage. The navigation concerned in the commerce between the colony and the United States (and it already begins to supply subjects of an interesting trade), might be incidentally employed to the same end. Is the annual expenditure of a sum no larger than one hundred and twenty thousand dollars, and the annual employment of seven thousand five hundred tons of shipping, too much for reasonable exertion, considering the magnitude of the object in view? Are they not, on the contrary, within the compass of moderate efforts?

Here is the whole scheme of the Society—a project which has been pronounced visionary by those who have never given themselves the trouble to examine it, but to which I believe most unbiased men will yield their cordial assent, after they have investigated it.

Limited as the project is, by the Society, to a colony to be formed by the free and unconstrained consent of free persons of color, it is no objection, but, on the contrary, a great recommendation of the plan, that it admits of being taken up and applied on a scale of much more comprehensive utility. The Society knows, and it affords just cause of felicitation, that all or any one of the States which tolerate slavery may carry the scheme of colonization into effect, in

regard to the slaves within their respective limits, and thus ultimately rid themselves of a universally-acknowledged curse. A reference to the results of the several enumerations of the population of the United States, will incontestably prove the practicability of its application on the more extensive scale. The slave population of the United States amounted, in 1790, to six hundred and ninety-seven thousand six hundred and ninety-seven; in 1800, to eight hundred and ninety-six thousand eight hundred and forty-nine; in 1810, to eleven hundred and ninety-one thousand three hundred and sixty-four; and in 1820, to fifteen hundred and thirty-eight thousand one hundred and twenty-eight. The rate of annual increase (rejecting fractions, and taking the integer to which they make the nearest approach), during the first term of ten years, was not quite three per centum per annum, during the second a little more than three per centum per annum, and during the third a little less than three per centum. The mean ratio of increase for the whole period of thirty years was very little more than three per centum per annum. During the first two periods, the native stock was augmented by importations from Africa, in those States which continued to tolerate them, and by the acquisition of Louisiana. Virginia, to her eternal honor, abolished the abominable traffic among the earliest acts of her self-government. The last term alone presents the natural increase of the capital, unaffected by any extraneous causes. That authorizes, as a safe assumption, that the future increase will not exceed three per centum per annum. As our population

increases, the value of slave labor will diminish, in consequence of the superior advantages in the employment of free labor. And when the value of slave labor shall be materially lessened, either by the multiplication of the supply of slaves beyond the demand, or by the competition between slave and free labor, the annual increase of slaves will be reduced, in consequence of the abatement of the motives to provide for and rear the offspring.

Assuming the future increase to be at the rate of three per centum per annum, the annual addition to the number of slaves in the United States, calculated upon the return of the last census (one million five hundred and thirty-eight thousand one hundred and twenty-eight) is forty-six thousand. Applying the data which have been already stated and explained, in relation to the colonization of free persons of color from the United States to Africa, to the aggregate annual increase, both bond and free, of the African race, and the result will be found most encouraging. The total number of the annual increase of both descriptions is fifty-two thousand. The total expense of transporting that number to Africa, supposing no reduction of present prices, would be one million and forty thousand dollars, and the requisite amount of tonnage would be only one hundred and thirty thousand tons of shipping, about one-ninth part of the mercantile marine of the United States. Upon the supposition of a vessel's making two voyages in the year, it would be reduced to one half, sixty-five thousand. And this quantity would be still further reduced, by embracing opportunities of incidental em-

ployment of vessels belonging to both the mercantile and military marines.

But is the annual application of one million and forty thousand dollars, and the employment of sixty-five or even one hundred and thirty thousand tons of shipping, considering the magnitude of the object, beyond the ability of this country? Is there a patriot looking forward to its domestic quiet, its happiness, and its glory, that would not cheerfully contribute his proportion of the burden to accomplish a purpose so great and so humane? During the general continuance of the African slave-trade, hundreds of thousands of slaves have been, in a single year, imported into the several countries whose laws authorized their admission. Notwithstanding the vigilance of the powers now engaged to suppress the slave-trade, I have received information, that in a single year, in the single island of Cuba, slaves equal in amount to one-half of the above number of fifty-two thousand, have been illicitly introduced. Is it possible that those who are concerned in an infamous traffic can effect more than the States of this Union, if they were seriously to engage in the good work? Is it credible—is it not a libel upon human nature to suppose, that the triumphs of fraud, and violence, and iniquity, can surpass those of virtue, and benevolence, and humanity?

The population of the United States being, at this time, estimated at about ten millions of the European race, and two of the African, on the supposition of the annual colonization of a number of the latter equal to the annual increase of both of its classes

during the whole period necessary to the process of duplication of our numbers, they would, at the end of that period, relatively stand twenty millions for the white, and two for the black portion. But an annual exportation of a number equal to the annual increase, at the beginning of the term, and persevered in to the end of it, would accomplish more than to keep the parent stock stationary. The colonists would comprehend more than an equal proportion of those of the prolific ages. Few of those who had passed that age would migrate. So that the annual increase of those left behind, would continue gradually, but at first insensibly, to diminish; and by the expiration of the period of duplication, it would be found to have materially abated. But it is not merely the greater relative safety and happiness which would, at the termination of that period, be the condition of the whites. Their ability to give further stimulus to the cause of colonization, will have been doubled, while the subjects on which it would have to operate will have decreased or remained stationary. If the business of colonization should be regularly continued during two periods of duplication, at the end of the second the whites would stand to the blacks, as forty millions to not more than two, while the same ability will have been quadrupled. Even if colonization should then altogether cease, the proportion of the African to the European race will be so small, that the most timid may then forever dismiss all ideas of danger from within or without, on account of that incongruous and perilous element in our population.

Further: by the annual withdrawal of fifty-two thousand persons of color, there would be annual space created for an equal number of the white race. The period, therefore, of the duplication of the whites, by the laws which govern population, would be accelerated.

Such, Mr. President, is the project of the Society; and such is the extension and use which may be made of the principle of colonization, in application to our slave population, by those States which are alone competent to undertake and execute it. All, or any one of those States which tolerate slavery may adopt and execute it, by co-operation or separate exertion. If I could be instrumental in eradicating this deepest stain upon the character of our country, and removing all cause of reproach on account of it, by foreign nations—if I could only be instrumental in ridding of this foul blot that revered State that gave me birth, or that not less beloved State which kindly adopted me as her son—I would not exchange the proud satisfaction which I should enjoy, for the honor of all the triumphs ever decreed to the most successful conqueror.

Having, I hope, shown that the plan of the Society is not visionary, but rational and practicable; that a colony does in fact exist, planted under its auspices; that free people are willing and anxious to go; and that the right of soil as well as of sovereignty may be acquired in vast tracts of country in Africa, abundantly sufficient for all the purposes of the most ample colony, and at prices almost only nominal, the task which remains to me of showing the beneficial

consequences which would attend the execution of the scheme, is comparatively easy.

Of the utility of a total separation of the two incongruous portions of our population, supposing it to be practicable, none have ever doubted. The mode of accomplishing that most desirable object, has alone divided public opinion. Colonization in Hayti for a time had its partisans. Without throwing any impediments in the way of executing that scheme, the American Colonization Society has steadily adhered to its own. The Haytien project has passed away. Colonization beyond the Stony Mountains has sometimes been proposed; but it would be attended with an expense and difficulties far surpassing the African project, while it would not unite the same animating motives. There is a moral fitness in the idea of returning to Africa her children, whose ancestors have been torn from her by the ruthless hand of fraud and violence. Transplanted in a foreign land, they will carry back to their native soil the rich fruits of religion, civilization, law, and liberty. May it not be one of the great designs of the Ruler of the universe (whose ways are often inscrutable by short-sighted mortals), thus to transform original crime into a signal blessing, to that most unfortunate portion of the globe. Of all classes of our population, the most vicious is that of the free colored. It is the inevitable result of their moral, political, and civil degradation. Contaminated themselves, they extend their vices to all around them, to the slaves and to the whites. If the principle of colonization should be confined to them; if a colony

can be firmly established, and successfully continued in Africa, which should draw off annually an amount of that portion of our population equal to its annual increase, much good will be done. If the principle be adopted and applied by the States, whose laws sanction the existence of slavery to an extent equal to the annual increase of slaves, still greater good will be done. This good will be felt by the Africans who go, by the Africans who remain, by the white population of our country, by Africa and by America. It is a project which recommends itself to favor in all the aspects in which it can be contemplated. It will do good in every and any extent in which it may be executed. It is a circle of philanthropy, every segment of which tells and testifies to the beneficence of the whole.

Every emigrant to Africa is a missionary carrying with him credentials in the holy cause of civilization, religion, and free institutions. Why is it that the degree of success of missionary exertions is so limited, and so discouraging to those whose piety and benevolence prompt them? Is it not because the missionary is generally an alien and a stranger, perhaps of a different color, and from a different tribe? There is a sort of instinctive feeling of jealousy and distrust towards foreigners, which repels and rejects them in all countries; and this feeling is in proportion to the degree of ignorance and barbarism which prevail. But the African colonists, whom we send to convert the heathen, are of the same color, the same family, the same physical constitution. When the purposes of the colony shall be fully understood,

they will be received as long-lost brethren, restored to the embraces of their friends and their kindred by the dispensations of a wise Providence.

The Society is reproached for agitating this question. It should be recollected that the existence of free people of color is not limited to the States only which tolerate slavery. The evil extends itself to all the States; and some of those which do not allow of slavery, their cities especially, experience the evil in an extent even greater than it exists in the slave States. A common evil confers a right to consider and apply a common remedy. Nor is it a valid objection that this remedy is partial in its operation or distant in its efficacy. A patient, writhing under the tortures of excruciating disease, asks of his physician to cure him if he can, and, if he cannot, to mitigate his sufferings. But the remedy proposed, if generally adopted and perseveringly applied for a sufficient length of time, should it not entirely eradicate the disease, will enable the body politic to bear it without danger and without suffering.

We are reproached with doing mischief by the agitation of this question. The Society goes into no household to disturb its domestic tranquillity; it addresses itself to no slaves to weaken their obligations of obedience. It seeks to affect no man's property. It neither has the power nor the will to affect the property of any one contrary to his consent. The execution of its scheme would augment instead of diminishing the value of the property left behind. The Society, composed of free men, concerns itself only with the free. Collateral consequences we are

not responsible for. It is not this Society which has produced the great moral revolution which the age exhibits. What would they, who thus reproach us, have done? If they would repress all tendencies toward liberty and ultimate emancipation, they must do more than put down the benevolent efforts of this Society. They must go back to the era of our liberty and independence, and muzzle the cannon which thunders its annual joyous return. They must revive the slave-trade, with all its train of atrocities. They must suppress the workings of British philanthropy, seeking to meliorate the condition of the unfortunate West Indian slaves. They must arrest the career of South American deliverance from thralldom. They must blow out the moral lights around us, and extinguish that greatest torch of all which America points to a benighted world—pointing the way to their rights, their liberties, and their happiness. And when they have achieved all these purposes, their work will be yet incomplete. They must penetrate the human soul, and eradicate the light of reason and the love of liberty. Then, and not till then, when universal darkness and despair prevail, can you perpetuate slavery, and repress all sympathies, and all humane and benevolent efforts among freemen, in behalf of the unhappy portion of our race doomed to bondage.

Our friends, who are cursed with this greatest of human evils, deserve the kindest attention and consideration. Their property and their safety are both involved. But the liberal and candid among them will not, cannot, expect that every project to deliver

our country from it is to be crushed because of a possible and ideal danger.

Animated by the encouragement of the past, let us proceed under the cheering prospects which lie before us. Let us continue to appeal to the pious, the liberal, and the wise. Let us bear in mind the condition of our forefathers, when, collected on the beach of England, they embarked, amidst the scoffs and the false predictions of the assembled multitude, for this distant land; and here, in spite of all the perils of forest and ocean which they encountered, successfully laid the foundations of this glorious Republic. Undismayed by the prophecies of the presumptuous, let us supplicate the aid of the American representatives of the people, and redoubling our labors, and invoking the blessings of an all-wise Providence, I boldly and confidently anticipate success. I hope the resolution which I offer will be unanimously adopted.

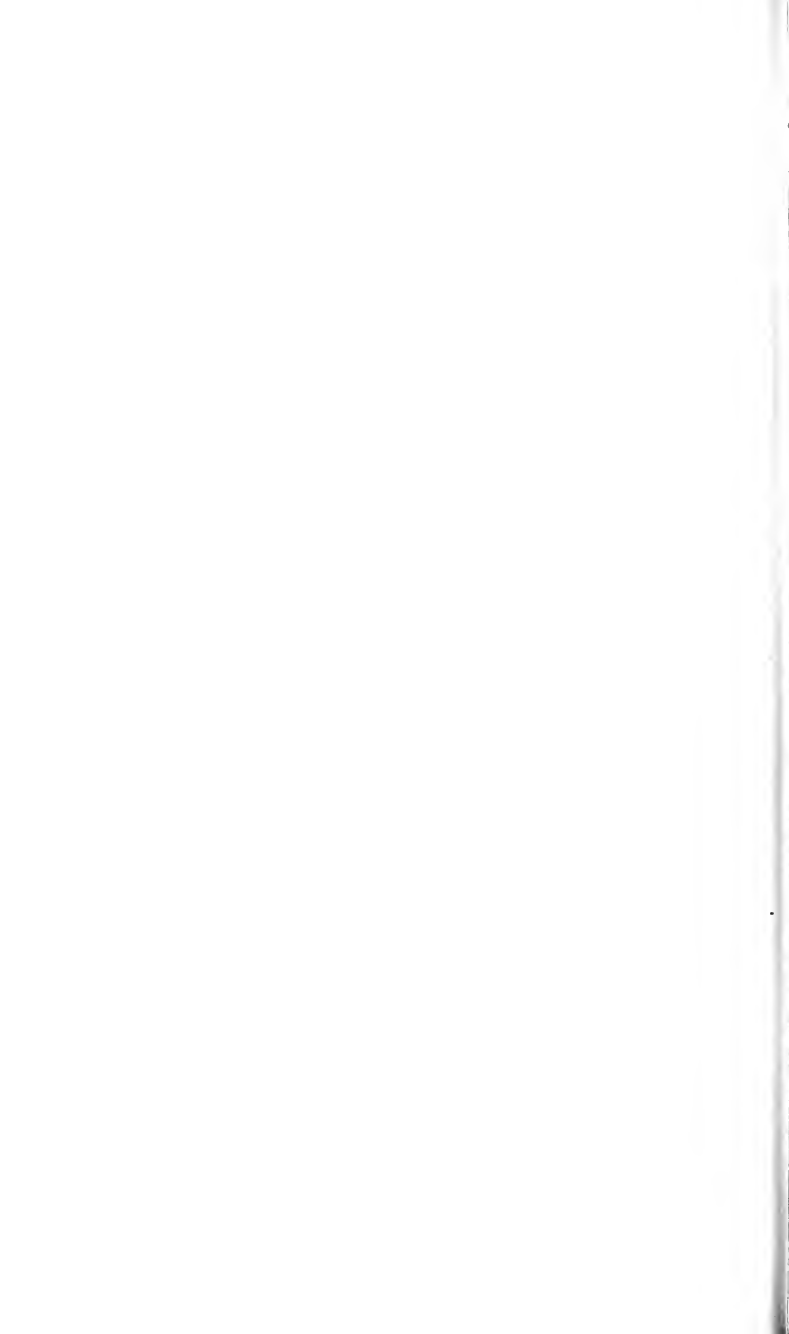
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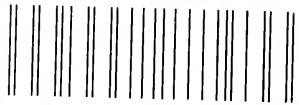
A. H.







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